

The Solicitors' Journal.

LONDON, NOVEMBER 16, 1861.

THERE is no part of the recent Bankruptcy and Insolvency Act which is more likely to produce questions of difficulty than that which relates to trust deeds for the benefit of creditors. The Deeds Clauses, as they are called, were intended to be in substitution of those clauses of the Bankrupt Law Consolidation Act, 1849, which related to arrangements between debtors and their creditors, under the control of the Court. These have been repealed by the recent Act, and it is no longer competent to any person unable to meet his engagements with his creditors to submit himself to the jurisdiction of the Court, and to obtain protection from all process until further order. Under the law as it now stands, there appears to be no mode of obtaining such protection under the deeds clauses; and so far there is an omission in the Act. Moreover, although the proceeding which it prescribes to any debtor who desires to avoid a regular bankruptcy, seems to be simple enough, yet we think it will be found, in practice, to give rise to some difficult questions. It is necessary that three-fourths in value of the creditors whose debts amount to at least £10 shall have assented to the deed before it can be registered; but nothing is said as to whether secured debts may be included in this proportion of value. There are many instances in which a creditor holds a security which is not sufficient to cover the debt due to him. He may not be in a position to state exactly what is the actual value of his security (as, for instance, if it be the mortgage of a reversionary interest) and it is plain, therefore, he cannot, except by mere guess work or a loose estimate, state the precise amount of the unsecured balance. It can hardly be intended that he should assent to the deed in respect of the entire debt, because it is provided by the 192nd section of the recent Act that when the deed is registered all those who have assented to it shall "be liable to all the provisions of this Act in the same or like manner as if the debtor had been adjudged a bankrupt and the creditors had proved;" and it is further provided that "the Court shall determine all questions arising under the deed according to the law and practice in bankruptcy." The effect of this section would appear to deprive a secured creditor of the benefit of his security, where he has executed or assented to a deed, for an amount including the sum so secured. But if it should be judicially held otherwise, then the unsecured creditors who have the greatest interest in the administration of an estate in bankruptcy, will frequently be liable to be overridden by the creditors who hold security. The analogy, however, of the proceedings in a regular bankruptcy, and the plain terms of the new statute, will make it as difficult as it would be inconvenient and unfair, to hold that secured creditors are entitled to assent in respect of the sums for which they held security. On the other hand, it would be rather hard upon them if, on account of their mere assent, they were called upon to risk any part of what was secured to them. It is evident, even if a secured creditor has his security valued, and assents only for the balance, it may afterwards turn out that the valuation was too low, and that, having assented for too large a sum, the debtor did not, in fact, procure the assent of three-fourths of his creditors; so that, probably, the whole proceeding from its beginning might be deemed void. Anyone who reads the 197th section will also see that a further difficulty will in such a case arise from the circumstance that this section, after the registration of the deed, by a species of relation back, makes the creditor's assent to a deed a proof of the debt in respect of which he has assented; and this

consideration, taken together with some of those which we have already stated, suggests that the principal point—which we have mentioned must soon be decided, in order to avoid awkward complications in working this new branch of the jurisdiction of the court. For this purpose, we suspect that there will be required a General Order enabling, previously to the registration of a deed, a valuation of securities, under the sanction of the Court, or providing for applications to the Court by secured creditors who are desirous of assenting to such deed.

THE REPORT of the Council of the Law Amendment Society contains some interesting statistics relative to patents, and Sir Roundell Palmer, in his speech as chairman, made some observations intended to suggest improvements in the law applicable to new discoveries or inventions:—

"If there were (he said), nothing in the nature of a new discovery or invention, either of a new principle or process, or no result differing in kind or nature from any that was known before, he thought the matter ought not to be the subject of a patent. The suggestion of whatever was a necessary consequence of the knowledge which mankind in common already possessed, ought not, he thought, to be considered a new discovery or invention."

As the law stands now a patent will be granted although neither the material, nor the shape of the article to be manufactured, nor the mode of making it, is new, but where the three particulars are usefully combined for the first time: and if anything like the present system of protecting new discoveries is continued, there seems to be no reason why protection should not be afforded in such cases, as well as in those where a new substance, or new mode of manufacture, constitute part of the subject-matter of the patent. Novelty and utility in discovery or invention appear to be the legitimate test, and this would include both classes. The illustrations put by the Solicitor-General are unquestionably very strong, if they are in point; but we very much question whether the first one is.

"Let them suppose," (he said), "the case of a man applying for a patent for making a table out of some sort of wood that had not been used for the manufacture of tables before. As it was evident from the knowledge common to mankind that tables could have been made out of wood, why should that man have a patent?"

We have always understood that a patent would not be granted in such a case; or that if it happened to be issued, it might be cancelled as being a breach of the Statute of Monopolies. The truth is, that the subject of patents is one that cannot be satisfactorily dealt with by mere pruning, or otherwise than by the decision of the question lately raised by Sir William Armstrong, namely, whether it would not be better to abolish the present system entirely, and to leave inventors to the profits which naturally arise from superior knowledge. In the case of those whose inventions are calculated to be of great public service, it has been proposed that the public should remunerate them directly by parliamentary grants. We are not aware whether the converse of this proposition has ever been suggested; but would it not be reasonable, as well as advantageous, to except out of the privileges of patentees the right of refusing to the public service the use of their inventions? Is there not something unwise in the government of a country conferring upon an individual a monopoly against itself? It is evident, from the figures which have been published from time to time, that inventors are an unfortunate class. Only one in ten runs the gauntlet of the stamp duties payable at the end of the third and seventh years. As a rule they lose not only their labour, and are involved in much anxiety in obtaining patents, and in trying afterwards to make them succeed, but also lose the heavy fees which are exacted from them at the patent office. It may be doubted, therefore, whether inventors themselves, as a body, would not be the greatest gainers by the complete abolition of the present system.

Before we take leave of the Law Amendment Society's report we cannot help expressing our surprise that the Council of the society—who take to themselves so much credit for having had more or less hand in all the useful measures which have been passed of late years—should be unaware that the Statute Law Commission has been long since abolished, and that, so far from the country being at all indebted to the Commissioners for the recent expunging and consolidation of our statute-book, there was not the slightest hope of either as long as the Commission remained in existence. The Council of the Law Amendment Society ought certainly to know better than that "the Commissioners have swept away a mass of enactments which lay forgotten in the nooks and corners of the statute law." The Revision Bill, which was passed last year, was the work of Messrs. Reilly and Wood, and was not undertaken by them until Parliament had put an end to the doings of Mr. Bellenden Ker and his colleagues. The Council, therefore, have not only deprived the former gentlemen of the meed that was due to them, but have bestowed praise upon a body of commissioners the most worthless and extravagant that ever were appointed in connection with the department of the law.

WE give elsewhere in our impression of to-day a full report of the judgment of Sir C. Creswell in the case of *Fisher v. Fisher*. The suit was for dissolution of marriage by a wife against her husband, and a decree *nisi* having been pronounced, it was for the first time decided that, under the new jurisdiction, a wife who obtained a decree of dissolution of marriage might be entitled to permanent alimony. Practitioners, however, ought to bear in mind that an application for permanent alimony should be made before the final decree; at least there appears to be considerable doubt whether, according to the practice of the old ecclesiastical courts, an order for permanent alimony could be made after a decree absolute. We are not aware, that this question has been argued before the Divorce Court; and we cannot but think that upon principle the practice should admit of such a proceeding. The Judge Ordinary in his judgment in *Fisher v. Fisher* was of opinion that if the wife were guilty of immorality hereafter, the alimony should cease, and that it might be reduced upon the happening of certain events. His lordship seemed to be of opinion that this order could be carried into effect by a deed, but it is sufficiently obvious that any question about the wife's immorality would involve an application to the Court; as would also, probably, the other events to which reference was made in the judgment. There appears, then, to be no reason why, although a wife elects, at the time when the final decree is pronounced, not to apply for permanent alimony, she should not be allowed to do so at a future period, in case of any alteration for the worse in her circumstances, or any great improvement of those of her husband.

WE FULLY agree with the remarks contained in the spirited address of Master Templer, upon the occasion of the recent examination of articled clerks. He "abhors all cramming, and holds very cheaply the system of competitive examination." The great difficulty, however, with the majority of articled clerks is to prepare themselves, without cramming, for the examination in Chancery-lane; and although Master Templer, in his address, states that the aim of the examiners has been merely to test the fact of a liberal education, and a knowledge of "the principles of common law, equity, conveyancing, criminal law, and bankruptcy," it ought not to be forgotten that this is expecting a good deal from very young men. Candidates, we believe, are required to answer only in three of these branches, but taking the first three for example, it would seem to require the utmost care and attention on the part of the examiners to frame questions, and to decide upon the merits of the answers

of candidates answering in these three branches, who have not been under the hands of a *Coach*. If the Council of the Incorporated Law Society are really anxious to avoid the evils against which Master Templer declaims, it seems necessary that in addition to written papers, as a test of knowledge, part of the examination should be *vivâ voce*. In this way a better notion of the qualifications of a candidate might be obtained.

TWO of the registrars of the Court of Bankruptcy held separate "courts" within Whitecross-street Prison during this week. On Tuesday they discharged eight persons, some of whom had been a long time in confinement. The present number in that prison is 161, and some of the prisoners have been many years in gaol, and are, it is stated, not at all disposed to leave their old quarters. Several creditors opposed, and some matters stood adjourned. The registrars also visited the Queen's Prison and Horsemonger-lane. From the latter prison twenty were released, and only twenty-two remain. In the Queen's Prison some of the prisoners had been a long time in custody, and in one case there were upwards of thirty detainees. Most of the prisoners are made bankrupt, and any property they possess can be made available for their creditors.

WE HAVE been informed that the Court of Queen's Bench in a case of *Henshaw v. Fletcher*, which is an action for a malicious prosecution, has granted a rule *nisi* for a new trial on grounds which were touched upon by us last week (*ante p. 9*), and also by Mr. C. A. Smith in his paper on Actions for Malicious Prosecutions. (*ante p. 11*.)

AT THE public examination of the students of the Inns of Court, held at Lincoln's-inn Hall, on the 30th and 31st October, and the 1st November, 1861, the Council of Legal Education awarded to Thomas Maguire, Esq., a studentship of fifty guineas per annum, to continue for a period of three years; to Herbert Hardy Cozens-Hardy, Esq., Arthur Charles, Esq., and James Thomas Jeffrey, Esq., certificates of honour of the first class; and to Percy William Bunting, Esq., Marston Clarke Busارد, Esq., William Barber, Esq., Henry Mason Bompas, Esq., Francis Nethersole Cates, Esq., Lewis Pugh Evans, Esq., Francis William Rowsell, Esq., David John Vavasor Durell, Esq., Decimus Sturges, Esq., Howard Warburton Elphinstone, Esq., John Pope Hennessy, Esq., Thomas Newton, Esq., Francis Phipps Onslow, Esq., John Charles Bethune, Esq., certificates that they have satisfactorily passed a public examination.

GEORGE GILL MOUNSEY, Esq., solicitor, of Castletown, has been elected Mayor of Carlisle. Mr. Mounsey was the first mayor elected for Carlisle after the passing of the Municipal Reform Act.

THE LAW OF BLOCKADE—WHAT CONSTITUTES A LEGAL BLOCKADE. No. 2.

AS THESE papers have an especial reference to the blockade of the southern ports instituted by the Government of the United States, it appears necessary, in the first place, to show that the Confederate States, are entitled to be considered as belligerents by foreign nations, and consequently susceptible of all the rights conceded to such, according to the established rules of maritime public law. European Governments have publicly acknowledged the belligerent status of the Southern States; while the Northern States deny that the states which have seceded are entitled to be considered in any light except as rebels and traitors. To such persons the law of blockade is inapplicable. It is to the law of treason, and not to international law, that they are amenable. If such were the real condition of the inhabitants of the Southern States, therefore, it would be idle to discuss, in respect of them, what constitutes a legal or an effective blockade. If

they were rebels and traitors, every description of blockade would be legal and enforceable against them; and there never could be any plea raised to the jurisdiction of an American court, on the ground that its executive had not complied with the conditions necessary to be observed for the establishment of a blockade according to the law of nations. As regards the exclusive relations of American citizens to their executive head, the latter has a perfect right to denominate and treat any portion of the inhabitants of the union as he and Congress may please. This results from the natural sovereignty and independence of nations. But this very equality of all nations limits their respective power to control the acts of their own citizens, whenever such restrictions are inconsistent with the rights of other states; "Wheaton's Elements of International Law," sixth ed., p. 106. It follows, therefore, that an attempt to cut off the rest of the world from all commercial intercourse with the Southern States by force of a paper blockade is an extravagant scheme, and one that is wholly unwarranted by international usage. The moral merits or demerits of the cause of the Southern States do not affect their claims to belligerent rights, nor the right of other nations to treat them as belligerents. "A neutral," says Bynkershoek, *Quest. Jur. Pub. Lib.*, 1 cap. 9, "has nothing to do with the justice or injustice of the war." Indeed, any other rule would merely have the effect of substituting an arbitrary discretion for a fixed law. If, therefore, our Government had not already declared the Southern States to be entitled to the rank of belligerents, our merchants would have been perfectly justified, on principles the best established amongst those comprised in the international code in considering them as belligerents, and acting towards them accordingly. But the proclamation of the Government recognising the belligerent status of the Southern States puts the matter beyond all dispute as between British subjects and American citizens. If the property of the former be seized and confiscated under circumstances contrary to the law of nations and the manifesto of our Government, the injured parties will be entitled to compensation, which the Government will have a perfect international right to enforce, either by reprisals or by war.

There are, as already mentioned by us (*S. J.* vol. 5, p. 831), two sorts of blockade, one consisting of the simple fact only, the other being accompanied by a notification of it; the *Neptunes*, 1 Rob. 171. The only practical distinction, however, between these, is that a blockade of the latter kind cannot in all cases be presumed to have come to an end upon precisely the same evidence that would be sufficient to show that one of the former was terminated. In other words, acquiescence in a breach will not be so readily presumed on the part of the blockading force if it shall have proclaimed a blockade, as if it had not done so. But various acts besides a proclamation may end any blockade, the distinction as to both classes being founded only upon the legal principle, that a blockade commenced by proclamation, being a more solemn act than a blockade of the extempore species, requires stronger evidence than the latter does, to prove that it has been waived or abandoned. The reader may observe that an element of great indefiniteness is introduced into this branch of public law, by the fact that different degrees of evidence are thus admitted to prove what ought to be subject only to one simple rule.

We now come to consider the most essential condition of a legal blockade, viz., its reality or effectiveness in respect of the proportion of the blockading force to the strength or extent of the place blockaded. The first observation that we offer in respect to this point is a negative one; but it may remove a good deal of misapprehension in respect of the nature of this belligerent right. A *paper blockade*, it is universally admitted, is not a legal blockade. There may be a

blockade without a proclamation; but a blockading proclamation without an actual blockade is of no force.

The early rules applicable to blockades were even more strict than the modern law as to the extent of the necessary investment. A remarkable decree of blockade was issued by the States General in 1630, with the advice of the Courts of Admiralty, and of the ablest Dutch civilians, in respect to the blockade of the ports of Flanders in possession of Spain. Bynkershoek records that this decree was not carried into effect by an adequate force, and that, consequently, commercial intercourse was, in fact, carried on with Flanders. Contraband goods were alone confiscated; the law of blockade, which confiscates indiscriminately goods of every kind, was not observed. This shows that in 1630 the law of blockade did not apply to paper blockades. In 1652, however, the States General interdicted all trade with the English to all the world; but, in 1663, they denied to the Spaniards the right to act similarly towards the Portuguese. Great Britain and Holland also, in 1689, in the great alliance against France, declared all the ports of France, to be under a blockade. The Baltic powers remonstrated against this ordinance. Puffendorf attempts to justify it, upon grounds of temporary expediency, but such a justification can never be wanting for any law of blockade, however severe and fictitious. A more valid justification of this act of the great alliance, is to be found in the fact that the united navies of Great Britain and Holland were competent to present no slight obstacle to the access of a neutral to any port in France. The fact, however, is that the ordinance in question was not even at the period when it was promulgated strictly justifiable according to the law of nations. The law of blockade, indeed, was not then settled, but it tended daily to advance in point of liberality to neutrals. Accordingly, the definition of a blockade given by the convention of the Baltic powers, in 1780, and again in 1801, and by the ordinance of Congress in 1781, required that there should actually be a number of vessels stationed sufficiently near to the port as to make an entry obviously hazardous. But no Government has so energetically protested, as that of the United States has done, against paper blockades as grounds whereon to found a claim of seizure and confiscation. Mr. King's letter to Lord Grenville, May 23rd, 1799, Mr. Marshall's letter to Mr. King, September 20th, 1799, Mr. Madison's letter to Mr. Pinckney, October 25th, 1801, the letter of the Secretary of the Navy to Commodore Preble, February 4th, 1804, Mr. Pinckney's letter to Lord Wellesley, January 14th, 1811, and Mr. Cass's instructions for concluding maritime conventions in 1823, and the recent letter of Mr. Lawrence to the Social Science Association at Dublin, all inculcate the rule that a blockade, to be legal, should be effectual.

In the convention between Great Britain and Russia, on the 17th June, 1801, a blockaded port was declared to be "that, where there is, by the disposition of the power which attacks it, with ships stationary, or sufficiently near, an evident danger in entering it." The definition of a blockaded place laid down in the treaty of commerce entered into between the United States and Chili in May, 1832, Art 15, and the Peru-Bolivian Confederation in May, 1838, Art 14, is "one actually attacked by a belligerent force, capable of preventing the entry of the neutral." We now come to the declaration of the Paris Congress in 1856. The fourth article of this manifesto is as follows:—"Blockades, in order to be binding, must be effectual—that is to say, maintained by a force sufficient wholly to prevent access to the coasts of the enemy." This rule is liberal enough to neutrals. The first observation that we offer in respect of it is, that it binds only the parties to the manifesto, and, consequently, does not apply to America, which refused to sign. Neither does it bind the parties who did sign it, except as regards their mutual intercourse. This may appear strange, but such is the general

rule to be used in the construction of treaties, as Dr. Twiss proves in his recent work on the law of nations, p. 134. Moreover, besides its ambiguity in respect of the nations, to whom or as against whom, it applies, its own terms are very indistinct. Is it to be understood as altering the rule of blockade which allows the offending vessel to be seized any time before the expiration of the return voyage? Indeed, if its terms are to receive a natural interpretation, there never can be an actual breach of a blockade, or at least an escape of the culprit; for if the blockading squadron be sufficient wholly to prevent access to the coasts of the enemy, it will, of course, be competent to seize any neutral vessel that attempts a breach *flagrante delicto*, and even before the overt act is complete. Such an interpretation would simplify matters exceedingly. But international law has its own technicalities both in conveyancing and pleading; and we are strongly inclined to doubt whether publicists would define an effectual blockade, such as is described in the manifesto, as differing much from a legal blockade as defined by public law. Our readers may remember the answer given by the judges to Charles the First when consulted by him as to the effect which the Petition of Right would have if he signed it. Their reply was, every statute had its interpretation. However, as the Paris declaration certainly does not bind the American States, we may dismiss it from our review, and limit our inquiries exclusively to the consideration of the necessary conditions of a legal blockade as defined by the common law of nations. Such a blockade must be an actual one, yet it need not be a complete investment. Where, then, is the line to be drawn? what degree of elimination only will leave the question free from difficulty? If a single frigate is not to be considered sufficient to blockade a thousand miles of sea-coast, will a hundred men of war suffice, or will ten?

Before offering what we think will be found a very good practical test of the legal validity of a blockade, we shall first show how the matter stands from the state of the authorities. A leading case on this subject is the *Jungfrau Maria Schraeder*, 2 Rob. A blockade of Havre was notified by Great Britain 23rd February, 1798, with a view to prevent the invasion of England by France. From November in that year until May, 1799, vessels were permitted to pass in and out of that port. Some were proceeded against on different grounds, but not for having committed any breach of blockade. The vessel *Jungfrau Maria Schraeder* went into that port in May, 1799, although she had met the *Stag* frigate which offered no opposition. She came out again on the 14th June, and saw no ship for forty-eight hours. She was seized finally off the North Foreland by the *Camperdown* cutter. On the claim before Lord Stowell, for the restitution of the vessel, his lordship said, "it is perfectly clear that a blockade had taken place some months before, and that the notification was communicated to the claimants' government, not only that a blockade would be imposed, but of a most rigorous kind; yet"—his lordship observes in a subsequent part of his judgment, "I cannot shut my eyes to the fact that presses upon the Court, that the blockade has not been duly carried into effect." His lordship further observed, "here ships are stopped and examined, and suffered to go in. The master of this particular vessel says, that in coming out he saw no ship for forty-eight hours. That might be accidental, but when he entered they were on the station; yet, no attempt was made to prevent him from going in. In other cases, also, it appears that force was not applied for the purpose of enforcing the blockade. There can be no doubt of the intention of the Admiralty, that neutral ships should not be permitted to go in; but the fact is, that it was not in every instance carried into effect. What is a blockade but to prevent access by force? If the ships stationed on the spot to keep up the blockade will not use their force for that purpose,

it is impossible for a court of justice to say there was a blockade actually existing at that time so as to bind this vessel. It is in vain for government to impose blockades, if those employed in the service will not enforce them. The inconvenience is very great, and spreads far beyond the individual case; reports are eagerly circulated that the blockade is raised; foreigners take advantage of the information; the property of innocent persons is insnared, and the honor of our own country is involved in the mistake." The legal principle, that the notice of a blockade cannot be more extensive than the blockade itself, received, what we may consider its best exposition from Lord Kingsdown in the case of the *Francisca*, Spinks, 255. There his lordship held that a belligerent cannot be allowed to proclaim that he has instituted a blockade of several ports of the enemy, when, in truth, he has only blockaded one; and that a neutral in such a case is not liable to the penalties attending a breach of blockade. The test of a legal blockade, which we consider to be deducible from the cases, is the actual application of force to prevent access on the part of a neutral to the blockaded port. But that force, if active, need not be adequate to the reduction of the place, nor be constantly present if winds be high or adverse. The presence of a blockading squadron, an active pursuit, or a capture, is *prima facie* evidence of a sufficient exercise of force on the part of the blockading belligerent to constitute the investment a legal blockade. These, as we have seen, in the case of the *Jungfrau Maria Schraeder*, may not be sufficient to constitute legal blockade; but without some of them a blockade has no legal significance. The fulfilment of any of these conditions throws the onus of proving a waiver of a blockade upon the vessel captured. She may succeed in resisting the captor's claim upon various grounds, or, as in the case referred to, upon the simple ground of implied waiver on the part of the blockading force. But, unless the captor prove the fulfilment of some of these conditions on the part of his government, the captured vessel is not bound to make any defence, but is, on the contrary, entitled to compensation for the detention and its consequent losses.

ALTERATIONS IN COMMON LAW PLEADING UNDER THE BANKRUPTCY ACT, 1861.

(Continued from page 6).

PLEAS TO ACTIONS BY ASSESSNEES.

If the defendant intends to dispute the title of the plaintiff as assignee the rule of pleading (5 T. T. 1853) will still be applicable: that in all actions by assignees of a bankrupt or insolvent, the character in which the plaintiff is stated on the record to sue shall not in any case be considered as in issue, unless specially denied.

The plea will be in the following form:—

Plea denying that the Plaintiff is Assignee.

In the ——

The —— day of —, A.D. —.

B. } The defendant, by ——, his attorney, says that the plain-
ats. } tiff was not nor is assignee as alleged.
A. }

This plea puts in issue all the proceedings in bankruptcy precedent and necessary to the title of the assignee—as the act of bankruptcy, the petition, the petitioning creditor's debt, the adjudication, &c.; *Butler v. Hobson*, 4 Bing. N. C. 290; *Buckton v. Frost*, 8 A. & E. 845. But it must be remembered, when the issue comes to trial, that the section 234 of the Bankrupt Law Consolidation Act, 1849, has not been repealed and is still applicable. This section enacts as follows:—"That in any action, other than an action brought by the assignees for any debt or demand for which the bankrupt might have sustained an action had he not been adjudged bankrupt, and whether at the suit of or against the assignees, or against any person acting under the warrant of the court,

for anything done under such warrant, no proof shall be required at the trial of the petitioning creditor's debt, or of the trading or act of bankruptcy respectively, unless the other party in such action shall, if defendant, at or before pleading, and if plaintiff before issue joined, give notice in writing to such assignees or other person that he intends to dispute some and which of such matters; and in case such notice shall have been given, if such assignees or other person shall prove the matter so disputed, or the other party admit the same, the judge before whom the cause shall be tried may (if he think fit) grant a certificate of such proof or admission; and such assignees or other person shall be entitled to the costs occasioned by such notice; and such costs shall, if such assignees or other person shall obtain a verdict, be added to the costs, and if the other party shall obtain a verdict shall be deducted from the costs which such other party would otherwise be entitled to receive from such assignees or other person."

It is remarkable that this section should have been retained without any modification; because it is not very explicit as to the actions in which it is applicable; and, moreover, its language is scarcely reconcileable with the present state of the law. The trading is no longer an essential ingredient of the bankruptcy, and it is immaterial to dispute it; where the trading is material it becomes so only as an ingredient of the act of bankruptcy. It is usual, we believe, to give the notice of the matters intended to be disputed in all cases. The form of the notice may be found in Chitty's Forms.

PLEA OF THE BANKRUPTCY OF THE DEFENDANT.

It is necessary to refer to the nature of this defence under the old law, which is still in some degree applicable. The defence was given by the 205th section of the Bankrupt Law Consolidation Act, 1849 (12 & 13 Vict. c. 106, s. 205), which also gave a general form of plea in the following terms:—"That any bankrupt who shall, after his certificate shall have been allowed, be arrested, or have any action brought against him for any debt, claim, or demand, proveable under his bankruptcy, shall be discharged upon entering an appearance, and may plead in general that the cause of action accrued before he became bankrupt, and may give this Act and the special matter in evidence; and such bankrupt's certificate shall be sufficient evidence of the trading bankruptcy, fiat, or petition for adjudication and other proceedings precedent to the obtaining such certificate." Hence, proof of the certificate *prima facie* proved the plea, and constituted a defence to an action for any claim proveable under the bankruptcy. The plaintiff might prove any facts which invalidated the certificate in answer, without pleading them specially; *Hughes v. Morley*, 1 B. & Ald. 22. If the plaintiff relied on causes of action accruing since the bankruptcy, it was necessary for him to plead a new assignment.

The new Act substitutes for the certificate an "order of discharge," and the effect of the order of discharge, as a defence to actions, is defined by sect. 161, which is substituted for the section above cited, and which enacts as follows:—"The order of discharge shall, upon taking effect, discharge the bankrupt from all debts, claims, or demands proveable under his bankruptcy, save as herein otherwise provided; and if thereafter he shall be arrested, or any action shall be brought against him, for any such debt, claim, or demand, he shall be discharged upon entering an appearance, and may plead in general that the cause of action accrued before he became bankrupt, and may give this Act and the special matter in evidence; and the order of discharge shall be sufficient evidence of the bankruptcy, and the proceedings precedent to the order of discharge." It will be observed that the language of this section, in giving the plea, is the same as that of the Act of 1849. Hence, in point of form, the plea of the bankruptcy of the

defendant will remain as before, though its meaning will be very different. It will now be supported by proof of the order of discharge, which is sufficient evidence of the bankruptcy, and the proceedings precedent to the order of discharge. The plaintiff may rebut this proof by evidence invalidating the order of discharge, or any of the precedent proceedings.

The form of the plea is as follows:—

In the Queen's Bench [Common Pleas or Exchequer of Pleas].

The — day of —, A.D. —.

A. The defendant, by —, his attorney (or in person), says
at. that before action he became bankrupt within the meaning of
B. the statutes in force concerning bankrupts, and that the cause
of action in the declaration mentioned accrued before the defendant so became bankrupt.

This plea is equally applicable to cases under the old and under the new law. It may be here noticed, that it now has a wider application than formerly, in consequence of the new clauses extending the classes of debts proveable under a bankruptcy, and which are therefore extinguished by the order of discharge (see sections 149—156).

PLEA OF THE BANKRUPTCY OF THE DEFENDANT AFTER ACTION.

It will be observed, in the section of the Act above cited, s. 161, that the general form of plea is given only in actions brought against the bankrupt after obtaining his order of discharge. The order of discharge, however, applies to discharge the bankrupt from all debts and claims proveable under the bankruptcy. Hence, if the action is commenced before the order of discharge is obtained, the order, though still a defence, requires a special form of plea to set it up, there being no general form sanctioned by the Act for such case. The following form of plea is suggested:—

In the —

The — day of —, A.D. —.

B. The defendant, by —, his attorney, says that after the accrual of the plaintiff's claim, and after the passing of "The Bankruptcy Act, 1861," the defendant committed an act of bankruptcy, and became a bankrupt within the meaning of the statutes then in force concerning bankrupts; and thereupon a petition for adjudication of bankruptcy was duly filed against the defendant in the Court of Bankruptcy for the — district, according to the said statutes; and such proceedings were had in the matter of the said petition, that the defendant was by the said court duly adjudged bankrupt; and all things having happened and been done, and all times having elapsed, necessary in that behalf according to the said statutes, the said Court afterwards, and after the commencement of this suit, duly allowed and granted to the defendant an order of discharge, whereby the defendant was discharged from the said claim of the plaintiff; and the said order of discharge is still in full force and effect. [If the order of discharge is not obtained until after plea pleaded, the above plea may be pleaded plus darren continuance].

(To be continued).

The Courts.

COURT OF QUEEN'S BENCH.

(Sittings in Banco, before Lord Chief Justice COCKBURN, and Justices WIGHTMAN and BLACKBURN.)

Nov. 11.—*Ex parte Mills*.—A rule was applied for in this matter calling upon the examiners of the Incorporated Law Society to examine the applicant with a view to his admission as an attorney. The application was made under the 23 & 24 Vict. c. 127, s. 4, which permits a gentleman who has served ten years without articles to be admitted after serving three years under articles.

Rule granted.

Nov. 14.—It was arranged that the rule should stand over, as the examiners had consented to examine the applicant this term, leaving any question that might arise for the future consideration of the Court.

COURT OF COMMON PLEAS.

(Sittings at nisi prius, before Mr. Justice WILLES and Common Juries.)

Nov. 14.—*Smith v. Haller*.—In this case an order had been obtained to examine the plaintiff at his own residence, and

Mr. R. E. Turner, the barrister, had been appointed commissioner for that purpose. The meeting had taken place yesterday, and the learned counsel had been requested to attend in Court this morning to produce the examinations. On Mr. Hawkins calling for them this morning Mr. Turner rose, and addressing the learned judge, said that he was for the present purpose an officer of the Court in the judge's hands, and that he was ready and willing to do what his lordship thought right and proper; but that not having received his fees, he declined to produce the examinations in question. Mr. Justice Willes retired for the purpose of consulting the judges sitting in the full Court, and on his return stated that Lord Chief Justice Erle and Mr. Justice Keating fully agreed with him in thinking that Mr. Turner was entitled to retain the document until his fees were discharged. After some slight delay the requisite money was produced and handed to the learned counsel's clerk, and the examinations were given up. Mr. Justice Willes observed that Mr. Turner had acted rightly and properly both as regards himself and other commissioners who might be placed in a similar position.

COURT OF EXCHEQUER.

(Sittings in Banco, before the LORD CHIEF BARON and Barons MARTIN, BRAMWELL, CHANNELL, and WILDE.)

Nov. 11.—Madin and Wife v. Catonach.—This case came before their lordships by way of appeal from a decision of Christopher Temple, Esq., judge of the county court of Rochdale, who refused to receive the evidence of the plaintiff's wife. It appeared that the plaintiff brought an action in the name of himself and his wife, to recover £25, the value of a piano forte which belonged to latter prior to her marriage. The plaintiff's wife was a material witness in support of the case, but the defendant's advocate objected to the reception of her testimony on the ground of want of religious belief, as she did not believe in the existence of a God, or of a future state of rewards and punishments. It was contended, on the other side, that the evidence must be taken, as the witness herself did not object to be sworn, and it was not competent to the defendant to make the objection, as a subject could not be deprived of her civil rights, however liable she might be to ecclesiastical censure and punishment from her want of religious faith. The learned judge then examined the plaintiff's wife on the *voir dire*, and, in reply to his questions, she stated that she did not believe in the existence of a God nor in a future state of rewards and punishments, but that she regarded her word as her bond, and felt that she was bound to tell the truth. On these answers the judge refused to allow the witness to give evidence, and nonsuited the plaintiff giving leave to appeal to this court on the point of law.

The LORD CHIEF BARON, in giving judgment said: We are all agreed that the proceeding of the judge of the county court was right according to the law and practice of this country ever since the law existed. The appeal, therefore, has failed. We are not here to make, but to administer, the laws, and a party must be sworn by some religious ceremony unless it be dispensed with by Act of Parliament, and in this case no Act of Parliament exists.

The appeal was accordingly dismissed.

COURT OF PROBATE AND DIVORCE.

(Before Sir C. CRESSWELL.)

Nov. 12.—Fisher v. Fisher.—*Judgment.*—His Lordship said that this was a petition by a wife for a decree of dissolution on the ground of adultery, coupled with cruelty. In December last a decree *nisi* was pronounced, and the petitioner had since moved for a decree absolute and for an order that a provision in the nature of permanent alimony should be settled on her under the 32nd section. The respondent submitted his books to the inspection of accountants, and on the 25th of July, witnesses were examined on both sides and the case was argued. From the latter part of the clause doubts had been suggested whether the Legislature intended that it should extend to cases where the wife was the petitioner. But there were two or three instances in which the Court had treated it as applicable to such cases, and he could not doubt that that construction was right when he compared that clause with the 45th, giving the Court power to take away the property of a delinquent wife, and to settle it upon the innocent party or upon the children. Both the exercise of the power and the amount of the provision to be made for the wife were left to the discretion of the Court, but in exercising that power the Court had to

take into consideration the fortune of the wife, the ability of the husband to pay, and the conduct of the parties. Beyond this direction no assistance was given to the Court by the Legislature as to the manner in which this power was to be exercised, and no principle applicable to it were laid down. He had considered the precedents of the Ecclesiastical Courts with respect to the allotment of permanent alimony, and those of the Legislature with respect to the provision made for wives in divorce bills, but he had been unable to find any effectual assistance in the precedents of either tribunal. In the ecclesiastical courts the wife remained a wife at the end of the suit, and the husband was bound to maintain her. In Parliament there were several cases in which maintenance had been given to delinquent wives, but those precedents were inapplicable to this case. There the husband asked for the privilege of having his marriage dissolved, and accepted the dissolution on the terms offered him. It might seem hard to compel a husband to provide for a delinquent wife, but such cases differed materially from those in which the husband was the respondent. Very few divorce bills were passed at the instance of the wife, and in none of these cases had the husband been compelled to make provision for a wife who had prayed for a divorce. In the present case the wife desired to have the marriage dissolved, and, although she had strong grounds of complaint against her husband, he could not consider that she was in the same position as a wife divorced *a mensa et thore*. She might have obtained relief, and still have remained a wife, but she had elected not to do so. However, she had good ground of complaint against her husband, and the Legislature could not have intended that a wife should only obtain the remedy of a dissolution at the expense of destitution. He was therefore bound to take on himself the arduous duty of deciding what would be a proper provision for her. He was of opinion that a wife who had obtained a decree of dissolution ought not to be left destitute; but, on the other hand, it would not be politic to give wives any great pecuniary interest in obtaining a dissolution of the marriage tie. In this case the wife had no fortune of her own; the husband derived some profits from his business, but his income was neither large nor settled. Under these circumstances he should not award more than a maintenance to the wife. He should also take into consideration the circumstances that it had been agreed that the daughter of the marriage should remain in the custody of her mother. If hereafter the wife should be guilty of immorality it would be unreasonable to call on her former husband to maintain her. Again, if she took advantage of the liberty she had obtained to marry again, it would also be unreasonable to compel him to maintain her. He was of opinion that as long as the petitioner lived a chaste life, and lived sole and unmarried, and supported her daughter, the respondent ought allow her an annuity of £100 payable quarterly. In the event of the death or marriage of the daughter, that sum must be reduced to £80. He should direct a deed to be prepared by one of the conveyancing counsel of the Court of Chancery to carry this order into effect. The daughter would remain in the custody of the mother and the costs of the suit would be paid by the respondent.

COURT OF BANKRUPTCY.

(Before Mr. Commissioner FANE.)

Nov. 9.—In re Bousfield.—The bankrupt was formerly a solicitor, and latterly an engineer.

His Honour said,—I have carefully read over the evidence in the case, and I am satisfied that the bankrupt is a respectable man, and meant to act rightly towards all parties interested in his affairs. Unfortunately for him, he was dazzled by prospects of wealth to be derived from the success of a supposed valuable invention, which has been patented, and he involved himself in difficulties from which he could not recover himself. The invention proved a failure. Some imputation was cast upon a Mr. Brown, an accountant who assisted Mr. Bousfield in his difficulties. I think it is due to Mr. Brown, to say that I see nothing to find fault with in his conduct. I consider Mr. Bousfield's present position the result of misfortune, and I give him an immediate certificate of the second-class.

(Before Mr. Commissioner GOULBURN.)

Nov. 11.—Discharge of Prisoners under the new Act.—Under the 100th section of the new Act the gaolers are to make monthly returns of all prisoners incarcerated for debt. An application was made this morning by Mr. C. E. Lewis, that the registrar (Abrahall) might take judicial notice of his intention to oppose in the case of a bankrupt whose name was

included in the return of the gaoler of Whitecross-street, Prison.

Mr. Registrar *Abrahall*.—If the prisoner has been adjudicated bankrupt he is not within the jurisdiction of the registrar.

Mr. C. E. Lewis.—Then the gaoler of Whitecross-street has made a mistake in including him in the return.

The COMMISSIONER.—How is the registrar to know that the man has been adjudicated bankrupt?

Mr. Lewis.—I will give the notice.

The COMMISSIONER.—I think the registrar ought to have proper notice that the debtor has been adjudicated bankrupt.

Nov. 13.—In re Dodge.—In this case reference was made to the great hardship inflicted upon discharged debtors, owing to the necessity of sending to the office of the sheriffs to ascertain that there was no further detainer. It was stated that sometimes the debtor was kept in custody for three or four hours after consent had been given to his release.

The COMMISSIONER said he would see if something could not be done in the matter.

(Before Mr. Commissioner FONBLANQUE.)

Nov. 11.—Re Bennett.—In the case of James Bennett, a tailor and clothier, of Norwich, adjudication of bankruptcy had been made on the 4th inst., on a petition presented on the 2nd. A motion was now made to annul the adjudication, or to stay the proceedings thereunder, on the ground that a deed of assignment had previously been made by Bennett for the benefit of his creditors, and had been registered under the 194th section of the new Act. It appeared that the deed had not complied with the seven conditions prescribed by the 192nd section, for it had, in fact, been signed by only one creditor, and one of the trustees named in the deed had not executed it, but, on the other hand, had become the petitioning creditor under the bankruptcy.

His Honour said this was a case which showed the extreme importance of even the smallest words in a statute. In his opinion the whole of the case turned upon the word "such," the question being whether that word "such" in the 194th section applied to the deeds mentioned in the 192nd. There would be no doubt about it, for the word was continued from section to section, except that the continuity was broken by sections 194 and 195, so that it was open to argument that "such" in sect. 199 might be made to apply to sect. 194, which used the words "every deed," instead of "such deed." But the continuity was broken by sections having another purpose; and to entitle a party to the benefit of the 199th section he must show himself clearly to have complied with all the conditions of the 192nd. Here the deed did not comply with the first and second conditions. There was not a majority in number representing three-fourths in value of the creditors, and one of the trustees had not executed the deed. He was of opinion the conditions required by the Act of Parliament had not been complied with, and no order could therefore be made.

The bankrupt thereupon surrendered.

Nov. 13.—In re Frederick Clarke.—The bankrupt, a licensed victualler, of Bromley, applied for a certificate.

Mr. Michael and another professional gentleman appeared to oppose for creditors.

It was objected that they had given no notice of opposition. It was replied that by the new Act it was not necessary to give notice.

The COMMISSIONER said that as this was a matter pending on the 12th of October, he could not hear the opposition, and granted a second-class certificate.

(Before Mr. Commissioner EVANS.)

Nov. 14.—In Re Dell.—The 160th section of the Bankruptcy Act, 1861, provides that, "With respect to all persons heretofore bankrupt, and whose certificates of conformity have been refused, it shall be lawful for the Court at any time after the expiration of three years from the time of, and notwithstanding such refusal, to hear and determine the application of any such bankrupt for an order of discharge, and thereupon, if the Court shall think fit, to grant an order of discharge, either absolute or subject to any condition or conditions, in the same manner as if the bankruptcy of such applicant had taken place after the commencement of this Act."

Mr. C. E. Lewis said, the bankrupt's certificate was refused five years ago, and he had suffered four months' imprisonment, and he now applied for a day to be named for the granting of an order of discharge pursuant to the above section.

Mr. A. Turner said this was a very bad case. The bank-

rupt had kept out of the way for years. He asked for an affidavit of the circumstances.

The COMMISSIONER said the application might be renewed on production of the required affidavit.

INSOLVENT DEBTORS' COURT.

(Before the CHIEF COMMISSIONER.)

Nov. 11.—Appointment of assignees since the operation of the new Act.—The Chief Commissioner, on taking his seat, referred to a subject of some importance, and one on which a misapprehension existed. The Court, until the operation of the new Act, could appoint an assignee in cases which had been heard forty years ago; and now, it was said, they could only appoint an assignee in pending cases—that was, in cases which had not been adjudicated upon. That was a great mistake. No doubt the court had the power to appoint assignees in cases in which they had been nominated before the 12th October, and to complete such appointments. In this view of the matter he had the concurrence of Mr. Commissioner Nichols, and the point was of importance, as it would apply to country and town cases still existing. The nomination was the critical point of time, and in all cases it would apply where it was made before the 12th October, and, of course, to cases pending on that day, and to which assignees were to be appointed.

SHERIFFS' COURT.

(Before Mr. Serjeant WHEELER.)

Nov. 12.—Ingram v. Stubbs.—This was an action upon a bill of exchange, Mr. Buchanan appearing for the plaintiff, and Mr. Pearce for defendant, who is the proprietor of Stubbs's Trade Protection Society. The point involved is of considerable importance, as may best be gleaned from his Honour's judgment, delivered this day.

His Honour.—This is an action to recover the amount of a bill of exchange, entrusted for recovery to one of the legal agents of Stubbs's Trade Protection Society, in Ireland. Now, it appears that this protection Society is formed for the recovery of debts, and for protecting the members against swindlers, and it embraces in its list of subscribers some of the leading merchants and bankers in this city and elsewhere. Stubbs issues cards and lists, upon which are certain rules; and he also appoints, upon his own responsibility, agents in England and Ireland. These agents are attorneys, and can be displaced or appointed by Stubbs alone. The rule of the society is, that when a debt is to be collected by one of these legal agents, the card alluded to is forwarded, and that is considered as a proof that a person is entitled to the services of the agent. In this case the plaintiff had a bill accepted by a person residing in Rosemount, in Ireland. He forwarded that bill to the legal agent (as upon defendant's published list), Mr. Sweeny, an attorney, and not having any answer by a certain time, wrote again. In reply, Mr. Sweeny said that Mr. Hopkins (the debtor) had informed him that he had paid the money, whereupon Mr. Sweeny handed over the bill. Now, this was most peculiar and extraordinary conduct for an attorney, but he was the agent of Stubbs's Trade Protection Society, and plaintiff sought his redress against that institution. Now defendant argued that he had no right to be sued, because the society did not undertake to collect bills not arrived at maturity; and, further, that Stubbs was not responsible for the acts of the agents, or, as they are called in the lists, legal agents. But the subscribers—who, by the way, pay some £36,000 a-year—have no control over these agents, nor do they pay them anything; in addition to which the agents are displaced by Stubbs, and Mr. Sweeny, it was said in the course of the evidence, had been removed from the agency. Looking at the case, then, in all its bearings, I must hold that Stubbs is liable, and I must find for the plaintiff, with costs.

The nomination of sheriffs for the various counties of England and Wales, with the exception of Lancashire and Cornwall, the sheriffs of which are nominated by the Crown, and Middlesex, where the sheriffs are elected by the Livery, took place in the Court of Exchequer on Tuesday. The Chancellor of the Exchequer, the Lord Chancellor, the Home Secretary, the President of the Council, and all the judges, with the exception of Mr. Justice Hill, were present. The "pricking" will take place by the Queen in Council in January.

F. A. Lewis, Esq., of No. 7, Trafalgar-place, East, Hackney-road, has been appointed a Commissioner to administer oaths in the High Court of Admiralty.

Recent Decisions.

COMMON LAW.

JUDICIAL OFFICE, PROTECTION TO IT GIVEN BY LAW.

Ebon v. Neville, C. P., 10 W. R. 6.

The judgment in this well-known action against the Vice-Chancellor of the University of Cambridge which arose out of the arrest of the plaintiff by the proctors has now been reported at length; and though it is in itself both elaborate and satisfactory it raises but few points which seem to call for comment here as being likely to interest our readers. The reason for this is, that though (as we shall presently explain) certain questions of importance applicable to all courts of justice were raised by the discussion and judicially determined, the case itself chiefly turned on the extent and due exercise of a very peculiar jurisdiction which, except so far as the general questions just alluded to are involved, is of local interest exclusively.

The declaration was for false imprisonment and the real question on which the judgment proceeded was, whether the defendant was or was not invested by the terms of the University charter with *judicial authority*. And the Court said they were of opinion that by the terms of such charter and the statute grafted thereon the vice-chancellor of the University was so invested, and was consequently entitled to all the protection attached by law to that position, and they observed that one of the most important branches of this protection is the non-liability of a judicial officer to be sued for any adjudication made according to the best of his judgment on a matter within his jurisdiction. (See, in particular, Mr. Justice Powell's judgment in *Gwynne v. Poole*, 2 Lutw. 387.) The Court further held that the vice-chancellor was not only a judicial officer but a judge of a court of record; but they did not consider this material to his defence in the present action (no question arising as to whether he was acting within his jurisdiction) by reason of the general principle established by *Gwynne v. Poole* and many subsequent decisions. The Court added, that all judges of record have power to commit those brought before them to the custody of their officers *sedentia curia* by oral command and without warrant, and they explained the ground for this doctrine to be that there is always in contemplation of law (though, perhaps, not in fact) a record of such commitment; and this record may be drawn up at any time when it becomes necessary.

The above propositions are of great interest and importance, and their distinct enunciation serves greatly to strengthen the position of those who have to act in any judicial capacity, for the principle applies to the lowest as well as the highest tribunals. For instance, in *Garnett v. Ferrard* (6 B. & C. 611) it protected a coroner, and in the very recent case of *Tozer v. Child* (7 Ell. & Bl. 377) even a churchwarden in the exercise of a function incidental to his office, though it was considered only partly judicial and partly ministerial. This subject of the non-liability of judicial officers is well handled by Mr. Broom in his Commentaries on the Common Law (p. 101) where he cites from a judgment of Chief Justice North the following passage:—"They who are entrusted to judge ought to be free from vexation that they may determine without fear; the law requires courage in a judge, and therefore provides security for the support of that courage" (*Barnardiston v. Soame*, 6 How. St. Tr. 1096).

"EXCEPTED ARTICLES" IN BANKRUPTCY, PRESENT LAW AS TO—24 & 25 VICT. c. 134, s. 221.

Willismer v. Jacklin, Q. B., 10 W. R. 12.

This case presents a fit opportunity for remarking upon a point in the Bankruptcy Act, 1861, which arises upon the excepted articles which a debtor (according as he was under the bankrupt or the insolvent law) has hitherto been entitled to retain as against his assignees. If he were a prisoner seeking his discharge from the Insolvent Court under 1 & 2 Vict. c. 110, then all his estate and effects vested in the provisional assignee, with the exception of the wearing apparel, bedding, working tools, and other necessaries of himself and his family not exceeding the value of £20 (s. 37). A similar provision was made in favour of a petitioner for protection under 7 & 8 Vict. c. 96 provided, however, such excepted articles and their respective value were properly set forth in his schedule (sect. 9). Under the 12 & 13 Vict. c. 106, s. 251, and 17 & 18 Vict. c. 119, s. 25 an analogous provision occurs in favour of a bankrupt; but, instead of enacting that such excepted articles shall not vest with the rest of the estate in the assignees, those Acts

provide that a trader need not surrender or deliver up such excepted articles upon being adjudicated a bankrupt. By the Bankruptcy Act of the present year, however, 1 & 2 Vict. c. 110, s. 37, 7 & 8 Vict. c. 96, s. 9, 12 & 13 Vict. c. 106, s. 251, and 17 & 18 Vict. c. 119, s. 25, are all repealed, and the law on the subject of "excepted articles" now consequently rests, as regards all bankrupts, entirely on the 24 & 25 Vict. c. 134, and the only provision therein with regard to them is that contained in s. 221, which makes the bankrupt guilty of a misdemeanour if he shall not deliver up to the court all his property "except the necessary wearing apparel of himself, his wife, and children." It will be observed that here there is no limitation of the excepted articles to the value of £20, nor on the other hand any exception as before with regard to household furniture or tools or implements of trade.

As to the case itself now under notice, it is only of importance (the provisions on which it turned having, as already observed, been repealed) as showing how easily hostile relations may arise between a debtor and his assignees, and that the courts seem disposed to hold the latter to the strict letter of their statutory rights.

Correspondence.

TRANSFER OF MORTGAGE.

I beg to state that the volume and page of Davidson's "Conveyancing" to which I intended to refer, is vol. 2, part 2, page 1074, 2nd edition.

G. B. H.

The opinion of the conveyancer quoted by your correspondent seems not only to be opposed to Davidson, but also to the remarks in Jarman and Bythewood's "Conveyancing," vol. vi., 3rd ed., p. 373, where a precedent is given of a transfer of a mortgage on a partial change of trustees, "but not disclosing the trust," in the shape of a mere voluntary assignment being made by an apparently beneficial owner to a stranger for a nominal consideration.

The remark is there made, that "perhaps it might be somewhat doubtful whether a mortgagor would be bound to accept an assignment from a transferee claiming under such a deed, and therefore some gentlemen introduce a declaration that the mortgagees are trustees and have no beneficial interest, conceiving, and it is apprehended rightly, that this averment which refers to no specific trust would not render it incumbent on any person paying the mortgage-money, to inquire into the nature of the trust."

If this be so, the precedent in Davidson which simply recites that the mortgage debt had become the property in equity of the intended transferees without even mentioning the trusteeship, would *a fortiori* render any inquiry into the trust needless.

And this is more probable, as the common declaration which is inserted in mortgages taken by trustees that the money is advanced on a joint account, &c., is never considered such a notice of the trust as to require an inquiry into the capacity of the trustees.

If the conveyancer's opinion be correct, it would seem impossible to effect a transaction of this kind without encumbering the title with the trust, as few solicitors would like to keep back any separate contemporaneous deed explaining the real nature of the transaction (by which means a proper pecuniary consideration might be introduced into the transfer deed, and the parties treated as beneficial owners), lest they should infringe the unfortunate clause in Lord St. Leonards' Act, as to keeping back instruments of title. H. H. O.

There is no ground for the inference that the sum was a trust fund; it is quite consistent with the recital, that it was a partnership asset transferred on a change of partnership; that it was a debt specifically bequeathed to two legatees absolutely, and transferred to them by the executors; and many other solutions might be given. It would be quite as reasonable, from a recital that a man was seized in fee, to infer that he got the fee from somebody, and therefore that there is notice of how he got it.

E. P. W.

TRUST FOR SALE—MARRIED WOMAN.

The doubts as to the capacity of a married woman to accept and exercise a trust for sale, expressed in the opinion communicated by G. B. H. (*ante* p. 10), appear to be without much foundation.

If the lady's marriage had been subsequent to the testator's

death, and to her acceptance of the trusts, the case would have been identical with *Drummond v. Tracy*, 1 Johnson, 608, 8 W. R. 203, in which it does not appear to either counsel or judge that his wife's coverture could be considered to render her incapable of exercising a trust for sale. It has been even held formerly (Co. Litt. 112a), that a wife can exercise a power of sale (fiduciary being for the purpose of paying debts) in favour of her husband.

The only remaining question is, whether the lady can, during the coverture, assent to the devise and accept the trusts.

If the devise had been beneficial, a deed disposing of the property, or of any interest therein, if executed according to the Fines and Recoveries Act, would have amounted to an assent to the devise, precluding her from disclaiming it after the determination of the coverture. If this were not so, it would be impossible for a married woman to dispose effectually of any real estate which she had acquired since the coverture began.

The doubt expressed in the opinion must, therefore, be grounded on the nature of the liabilities incurred by accepting the office of trustee. Now, as regards acts done by her during the coverture in execution of the trusts, her liability will certainly be no greater than if she had accepted the trusts while discreet.

The only remaining liability, then, is that arising from the general rule, that a trustee who has accepted a trust cannot retire without a sufficient reason, except at his own expense. It is not impossible that a court of equity would decline to apply this rule to a case in which a woman desired to retire from a trust which she had accepted when under coverture; but, supposing the rule to be applicable, the liability incurred falls far short of that of a married woman who proves a will, or takes out administration, for according to the opinion expressed by Lord Redesdale in *Adair v. Shaw*, 2 Sch. & Lef. 243, the latter will, after her husband's death, be liable at law to the creditors, and in equity to the legatees, or next of kin, for the devastations committed by him, proving the will and taking out administration being voluntary acts on her part.

A married woman, therefore, has power—first, to execute any trusts which may have been accepted by her; and secondly, with her husband's concurrence, to accept such trusts as may have been confided in her.

H. R. D.

The conveyance by a married woman, by an acknowledged deed, to the purchaser, would be an acceptance of the devise of the legal estate; she could never afterwards disclaim; and acceptance of the devise of the legal estate is acceptance of the trusts.

E. P. W.

TRUST FOR SALE—ACCELERATION.

A testator devised real estate to trustees upon trust, to pay the rents to his son for life, and after the death of his son to sell. Could the trustee sell during the life of the son, if the latter consented thereto? See Cornish on Purchase Deeds, by Horsey, note 6, p. 103. With great deference to the authority of Mr. Cornish, I apprehend they could not so sell.

G. H.

Foreign Tribunals and Jurisprudence.

AMERICA.

We extract the following from an interesting letter of Mr. W. H. Russell, dated October 23, which appeared in the Times of the 12th instant:

The "Executive," fortified by the extraordinary extension of his prerogative, undertakes to suspend *habeas corpus* at his pleasure—a power denied expressly on the judgment of Mr. Chief Justice Taney, the Chief Justice of the Supreme Court of the United States, which is, by the Constitution, the sole expositor of the principles of the Constitution. That venerable and learned judge, in the *Merryman* case, declared the President had no power to suspend *habeas corpus* at all; and, indeed, it is very doubtful whether such suspension is an executive act, and, if it be not, the President has transgressed the limits of his authority, which is in no way legislative. But that is a matter for the judgment of the American people themselves. Let us see what the independence of the judges is reduced to by and with the consent of the people, or, at least, under the pressure of the military power under which they are placed. By the law of the State, as by the general

law, it is illegal to enlist minors for military service without the consent of their parents and guardians; and, as a matter of course, on the issue of a writ of *habeas corpus*, if it were proved that a minor had been so enlisted, the judge would order him to be released from service, inasmuch as his enlistment had been contrary to law. Now, in the war fury of the time, the American youth—at all times rather precocious and self-willed—wild scions of the liberty tree, which grows into "We'll do what we please," very speedily—have enlisted in large numbers, and in some instances parents and guardians have desired to get them back to save them from the supposed "demoralizing influences of camp life." The British Minister has been particularly harassed by applications from British subjects whose children have been induced to enlist, and in several cases he has procured their release. But at last, by the simple order of the War-office or of the Adjutant-General, it is announced that in future no minors will be discharged under any circumstances—a clear announcement that on this point, without any mistake whatever, the military authority would set at defiance the law of the land, although martial law has not been proclaimed. Subsequently to that announcement, however, a case, to which I have already called attention, occurred in the Circuit Court at Washington, wherein the judge issued a writ of *habeas corpus* on the application of the relatives of a lad enlisted in one of the regiments stationed in the district. The officer in command made a return to the writ, in which he stated that the minor was detained by military authority, and specifically in virtue of the general order of the Adjutant-General, by which it was forbidden to liberate minors enlisted without consent of their friends. The Court decided that the return was insufficient, and ordered the Brigadier-General to produce the minor in court on a certain day named, under pain of being attached for contempt of Court. For some cause or other, the military authorities thought proper to yield, the officer appeared with the minor, and the Court ordered the latter to be discharged, as his enlistment was illegal, according to the law of the district. Shortly afterwards, however, another case of a similar character arose, and the judges were brought into collision with an officer of a very different stamp. It had been whispered, indeed, that in granting those writs of *habeas corpus* the judges were exhibiting Secessionist proclivities and were violating a tacit or even an expressed understanding with the Government, that they would not encourage those who applied for such writs even for legitimate purposes. If the judges had any such understanding they were clearly guilty of a dereliction of duty in sacrificing a matter of right to political convenience, and, so long as *habeas corpus* was not suspended, no judge could, on cause shown, properly refuse to issue the writ *ex debito justicie*. However that may be it appears that Judge Merrick issued last Saturday a writ of *habeas corpus* to General Andrew Porter, Provost-Marshal of the city, and an officer of the regular army, commanding him to produce the body of A. B., a minor, illegally detained by him as having enlisted in the army of the United States. The story which follows is so characteristic that I must quote at length, leaving to you the task of curtailing its fair proportions if needful. It will be remarked that the Bar evinced strong "Secessionist proclivities," as they showed the utmost sympathy for the judge who has been provost-marshalled in such an extraordinary manner. And so here is the account of what took place in the Circuit Court of Washington, under the eyes of President, Cabinet, Senators, Ministers, while a battle was raging at Edward's Ferry for the triumph of law and order over despotism and arbitrary rule:—

"On the bench of the Circuit Court to-day (October 22) there were only Judges Dunlop and Morsell present, the other judge, Mr. Merrick, being absent. Passing around from the Court room a couple of squares into F-street, a sentry of the regular army could be seen walking up and down before one of a handsome row of residences on the south side of F-street, between 6th and 7th. The house thus guarded is the residence of Judge Merrick, before which sentries were first placed about 5 o'clock last evening. What was the special character of the offence in this case had not definitely transpired until on the meeting of the Court this morning, when a communication received by his colleagues on the bench from Judge Merrick, was read in court by order:—

"On Saturday, the 19th of October, 1861, Mr. Foley, a lawyer of this city, called upon me with a petition, supported by affidavit in proper form, praying for a writ of *habeas corpus* to the Provost-Marshal, requiring him to produce before the undersigned one John Murphy, who, it is alleged, was a minor under the age of 18 years, and illegally detained by said Pro-

vost-Marshall as an enlisted soldier of the United States. The order was given by me to the clerk, who issued the writ in the usual form. I was informed by Mr. Foley on the afternoon of Saturday that by reason of the many engagements of the Deputy Marshal of the district of Columbia, he himself took the writ and served it, as by law he rightfully might do, upon the Provost-Marshall, General Andrew Porter; that when he delivered the writ to the Provost-Marshall, he was told that he would consult the Secretary (I think he said the Secretary of State), whether he should respect the writ or not—that he, Mr. Foley, must consider himself under arrest, but for the present might go at large as upon his parole. Later in the afternoon Mr. Foley again called at my house with one or two other persons—one, I think, was represented as the elder brother, or some near relative, of the boy Murphy—who desired to know whether he was now to consider the boy as finally discharged and at liberty to return home to his friends, inasmuch as he had then been dismissed from the guard-room. I declined to make any suggestions to him in the premises, and told him that whatever I did in the matter must be done judicially, and after facts had been spread before me upon affidavit and the appropriate motion, if any, made thereon, and that, as the Court would meet on Monday morning, October 21, in regular term, I should adjourn all proceedings under the writ until Court, for the advice and action of the whole Court. He stated that he would reduce all the facts to writing, make affidavits and file them, for that he expected to be arrested. He then withdrew.

"On Monday morning, just before the meeting of Court, I went into the clerk's office and asked Charles M'Namee, the deputy-clerk, if Mr. Foley had filed any affidavit in the case. He examined the papers, and reported there was none. I then directed him to endorse upon the papers that they were by my order adjourned unto the Court for its further action. After the adjournment of the Court I was informed by a member of the bar that at about 11 o'clock that morning Mr. Foley had been arrested and placed in the guard-house by order of the Provost-Marshall, and he announced his purpose to apply for his release. I told him that whatever application he had to make must be in writing and upon proper affidavits, and that as the whole Court was in regular session he must make it to the Court in full sitting, and he withdrew to confer with some of his brother lawyers upon his course. After dinner I visited my brother judge in Georgetown, and, returning home between half-past 7 and 8 o'clock, found an armed sentinel stationed at my door by order of the Provost-Marshall. I learned that this guard had been placed at my door as early as 5 o'clock. Armed sentries from that time continuously until now have been stationed in front of my house. Thus it appears that a military officer, against whom a writ in the appointed form of law has issued, first threatened, and afterwards arrested and imprisoned the attorney who rightfully served the writ upon him. He continued and still continues in contempt and disregard of the mandate of the law, and has ignominiously placed an armed guard to insult and intimidate by its presence the judge who ordered the writ to issue, and still keeps up this armed array at his door in defiance and contempt of the justice of the land. Under these circumstances, I respectfully request the chief justice of the Circuit Court to cause this memorandum to be read in open court to show the reasons for my absence from my place upon the bench, and that he will cause this paper to be entered at length on the minutes of the Court alongside the record of my absence, to show through all time why I do not, this 22nd day of October, 1861, appear in my accustomed place.

**"WILLIAM M. MERRICK, Assistant-Judge,
Circuit Court, D.C."**

The letter having been read, the Chief Judge Dunlop announced that, with the consent of his brother judge, Morsell, the desire of Judge Merrick that it be filed would be complied with. The writ of *habeas corpus* having been regularly issued, they regarded the case as now before the Court for trial; and its progress having been obstructed, the Court must apply the lawful remedy. It would, therefore, order a rule to be served on General Andrew Porter to show cause why an attachment for contempt of Court should not issue against him.

Judge Morsell said that this proceeding was a palpable, gross obstruction to the administration of justice, to prevent a judge of this court from taking his seat because he issued just such a writ as the law requires. The placing of a sentinel before Judge Merrick's house was evidently for the purpose of embarrassing him in this particular subject, and to prevent his appearance in court. The Court had its sworn

duty to perform in administering the law, and he (Judge Morsell) would have the Provost-Marshall satisfy it, both as to the writ and the detention. He held that, if martial law is to be the guide, the President of the United States should so declare by issuing his proclamation. He would not controvert his right to do so, but in the meantime the judges must do their duty under the law, as they are liable otherwise to be punished. He, for one, would do his duty, and vindicate the character of the Court as long as he sat upon the bench. 'I am an old man,' he said; 'my life may be but a day; but while I have life I shall be true to the duty before me.' [Some sensation was here manifest among the larger number of members of the bar and others present, and was taking expression in rising applause, but the Deputy-Marshall, Mr. Phillips, quickly checked it.]

Finally the Court issued the following writ:—

"District of Columbia, to wit: The United States of America, to Andrew Porter, Provost-Marshall of the District of Columbia, greeting:—

"It is, this 22nd of October, 1861, ordered by the Circuit Court of the District of Columbia that you show cause why an attachment of contempt should not be issued against you for obstructing the process and course of justice and administration of it in the Circuit Court in the particular case set forth in the letter of the Hon. Judge Merrick, hereto annexed, on Saturday, the 26th day of October instant, at 10 o'clock a.m. of that day, in said Circuit Court, in the City-hall of the city of Washington.

"Hereof fail not, as you will answer the contrary at your peril.

"Witness, the Hon. James Dunlop, Chief Judge of the Circuit Court of the District of Columbia.

"Issued this 22nd day of October, 1861.

"J. A. SMITH, Clerk."

"The fact," adds the paper, "that no actual seizing and taking off of the judge had occurred gave rise to the report that it was Mrs. Merrick and not the Judge, who was considered the offending party. In the cases of ladies generally who have become obnoxious, the practice has been, except temporarily in a few cases, merely to hold them under arrest as prisoners in their own domiciles, with military guards.

"It will be recollect that Judge Merrick lately, in a case of *habeas corpus* in behalf of a young recruit, asserted the supremacy of the civil over the military authority to such extent as to declare that the military officers had no excuse for not obeying the writ, even though his superior officer had so commanded, and discharged the recruit as a minor enlisted without the consent of his parents, at the same time requiring the officer to purge himself of contempt of Court. He has, however, in a similar case of a minor, since remanded the recruit back to his company, as the circumstances indicated that the father had prior knowledge of the enlistment and allowed it to go on. With regard to Mrs. Merrick, it may be stated that her maiden name is Wickliffe, and that she is a sister of both Mrs. Senator Yulee, of Florida, and Mrs. Holt, of Kentucky, the former espousing the cause of the South, and the latter the Union. These ladies are all the daughters of the Hon. Mr. Wickliffe, of Kentucky, formerly Postmaster-General."

The judges intend to issue writs, notwithstanding the result of the present case, till the President issues a proclamation.

The President subsequently instructed the United States Marshal for this district, in respect to the rule placed in his hands by the Circuit Court to be served upon the Provost Marshal (General Porter) for his appearance before that court not to serve the rule, but to return it to the Court with the information that he (the President) had for the present suspended the privilege of the writ of *habeas corpus* in cases relating to the military.

OBSERVATIONS ON THE CHURCH COPYHOLDS UNDER THE SEE AND CHAPTER OF WORCESTER.

The following paper was read by CHARLES PIDCOCK, Esq., Solicitor, Worcester, at the Meeting of the Metropolitan and Provincial Law Association, at Worcester, in August last.

The manors belonging to the Church in and about Worcester are many and important, but chiefly in an agricultural district.

The tenure, with few exceptions, is for lives by grants by

copy of court roll—under the See of Worcester, by grant for one life in possession, and by grant for three lives in reversion; and under the Dean and Chapter by grant for two lives in possession, and by grant for two in reversion; in the former case the possession life is admitted, and the lands are stated to be in his actual possession, although such very seldom happens, and in the latter case the eldest possession life is in like manner admitted. A trust is declared for the beneficial owner, his executors, administrators, and assigns, so that in intestacy the lands descend to the personal and not to the real representatives of the deceased. If the beneficial owner is the tenant in possession on the rolls, his widow is entitled to freehold during her widowhood. On the death of the possession life a heriot becomes payable to the lord, and on the death of the second possession life the value of half a heriot is payable to the Dean and Chapter. From time immemorial renewals have taken place on the death of any of the lives, on payment of certain fines; in the manors belonging to the See on payment of three-fourths of a year's improved rent, and in the manors belonging to the Dean and Chapter on payment of half a year's improved rent. The lords upon the deaths of all the lives in possession and reversion, claim the lands as their own, and further, that if all the reversionary lives are dead, there being what is technically called an open reversion, the lords claim the right of filling up the reversion with lives of their own nomination, but in the searches made no case has been found where these alleged rights have been exercised.

Before entering more fully into the peculiarity of this tenure, it may be interesting to inquire into the origin and trace the development of these copyholds, or, as will appear hereafter, customary freeholds. Having had occasion to make searches in the oldest rolls of several of the manors belonging to the Dean and Chapter of Worcester, some of which are five centuries old and upwards, I find that, except in the case of stallages, fisheries, and ovens, the grants were made *sibi et suis*, according to the custom of the manor. About the reign of Henry VIII. a change took place in the tenure, and the same lands which had theretofore been granted *sibi et suis* were granted for lives. The cause of this change is difficult to ascertain, but I am inclined to think that the tenants were, from poverty, unable to pay the fines of admittance, and, by arrangement with their lords grants were made for lives, and the fines payable on renewals were reduced in amount. Similar changes were attempted in manors belonging to laymen, but being resisted were not carried into effect. It must, however, be evident that grants for lives are more profitable to the lords than grants in fee, because the fines are more frequent, although perhaps not so large in amount. From old cases it appears that a lord can grant lands for a less estate than he has been accustomed to do, and that such custom is good. Thus a lord who has heretofore granted lands *sibi et suis* may grant for lives or for years, but, on the other hand, a lord who has granted lands for lives or for years cannot grant in fee. Other cases have decided that when such changes have taken place, the lord or tenant, within reasonable time (forty years in one case was named), can return to the form of their original grants.

But to return to the subject matter before us; when the change in the grant was first effected no trust appeared on the grants. The beneficial owner was generally the tenant in possession, and the lives in reversion were persons nominated by him, so that in case of a sale of lands or other change of ownership the lord substituted new for the then existing lives, and a fine was paid to the lord according to the difference in the ages of the old and new lives. Again, the grants were at first different in the number of the lives. Some grants were for three lives and some for two lives, but generally speaking the grants were for four lives. In the beginning of the 18th century the grants became more clearly defined, and trusts were declared for the beneficial owner, his executors, administrators, and assigns. The bishop and dean and chapter of Worcester from the first origin of grants for lives have always renewed upon payment of the usual fines, and the right of the tenant to renew was never called in question until the episcopal and chapter manors came under the control of the Church Estates Commissioners.

Several Acts of Parliament have passed authorising the enfranchisement of copyhold lands (the Copyhold Act, 1841, 4 & 5 Vict. c. 35, and subsequent Acts), and ecclesiastical corporations have been empowered by that and other acts to enfranchise lands held under them by copy of court roll with the consent of the Church Estates Commissioners.

Under the Copyhold Act of 1841, several copyhold estates for lives were enfranchised; but by the Copyhold Act of 1852 (sect. 48) it was provided that "nothing in that Act should be held or construed to extend to any copyhold lands held for a life or lives or for years where the tenant thereof had not a right of renewal." As the right of renewal of copyholds for lives had been called in question the Church Estates Commissioners would not allow ecclesiastical bodies to enfranchise their lands, which refusal, as might be supposed, materially lessened the value of lands of this tenure.

In the year 1854 an association was formed in Worcester called the "Copyholders' Protective Association," of which Mr. H. Workman, of Great Hampton, near Evesham, was chosen chairman; and as it was thought advisable that the question whether a copyholder for lives had a right to renew on the dropping of a life or lives or not should be decided by a legal tribunal, a clause was inserted in the 17 & 18 Vict. c. 116, s. 5, whereby any copyholder might try his right to renew by means of a feigned issue, and the judge was authorised to grant a special case. An action was accordingly brought by a gentleman holding lands under the manor of Shipton-on-Stour, Worcestershire, for two lives in possession and two lives in reversion. It was necessary to search the court rolls and have transcripts made. The old rolls, to the beginning of the 17th century, were strictly in the form of rolls, and written on parchment in the Latin tongue, but much defaced, and many were lost. The search confirmed the remarks already made; and on a closer investigation the grants (except during a few years in the reign of Henry VIII.) were made according to the custom of the manor. An important question, therefore, arose, whether those copyholds were not customary freeholds and not pure or base copyholds. To understand this question more fully it is necessary to go back to the first introduction of tenures. The lord was formerly paramount; his will was law, and all his dependents were villains or serfs of the lowest degree; they performed all menial offices and waited on the lord's person, and in return received grants of tenements from time to time to be held at his will, so that the lord could turn them out of their tenancy and deprive them of their lands without cause or reason. In process of time a custom sprung up whereby the tenant held at the will of the lord according to the custom of the manor, so that the custom governed the lord's will; and if the tenant performed his services, paid his rents, &c., he could not be deprived of his holding. There was, however, another species of villains, called the villain scutmen who held their lands not at the will of the lord but according to the custom of the manor; they were of a superior grade, and their services were certain holding by military service or by fealty only, or grant and fealty. These privileged persons were ascriptions to the soil, so that they could not be removed from their estates provided they performed their services and paid their rents. Sir William Blackstone, in his interesting treatise on considerations on the question whether tenants by copy of court roll according to the custom of the manor though not at the will of the lord, are freeholders qualified to vote in elections for knights of the shire, observes that these tenures are of the same nature with Bracton's villain socage, being chiefly found in ancient demesne. As the tenants in Shipton Manor held according to the custom and not at the will of the lords, the tenure was not base or pure copyhold but of the nature of customary freeholds, and as the tenants had originally a fixedness of tenure, I conceive that the change in the form of the grants from *sibi et suis* to lives, did not deprive the tenants of the privilege they originally enjoyed. To establish a right of renewal, however, in copyholds for lives, there must be, first, a party clearly pointed out who is to renew; 2ndly, the copyholds must have been renewed time out of mind; and 3rdly, the fines must be certain, as a specified sum of money, or relatively certain, as a half-year's improved rent, or the like. The party to renew is clearly pointed out in the grants (viz.,) "the beneficial owner," the grants notwithstanding they were formerly *sibi et suis* have been renewed from their first origin, which I conceive, would be equivalent to "from time immemorial," as the custom to change grants from *sibi et suis* to lives is a good custom. Yet to make the case complete it was necessary to prove that the fines were certain or relatively certain. Certain they were not, as they varied in amount; and although I contended that they were relatively certain, it was, I admit, difficult to prove, nay, the fines did of necessity vary, as the estate increased or decreased in value, either from

improved cultivation, the value of corn, or other causes; still, I am of opinion, that had the cause been judicially decided, the result would have been in favour of the copyholder, and would have established his right of renewal.

The cause coming on for trial was turned into a special case, but the action was subsequently compromised. The Ecclesiastical Commissioners, in whom the manors belonging to the See and Chapter are now vested, will, I am happy to say, enfranchise the estates held under them by copy of court roll, so that the question of renewal is not of so much consequence now, as it was when the action was commenced.

LAW AMENDMENT SOCIETY.

The first general meeting of the nineteenth session of this society was held on Monday evening. The Solicitor-General in the Chair.

The SECRETARY (Mr. G. Harry Palmer) read the address from the Council, which stated that several of the measures which became law during last session of Parliament were of the highest importance, and that so happy a result was in some measure due to the exertions of this society. Notwithstanding the time necessarily consumed in the discussion of a bold scheme of finance, embracing within its purview a commercial treaty of great importance, it may be accepted as a proof of the sincerity and zeal of the present Parliament, that no less than 134 public and 249 private Acts were passed last session. Among those noticed in the address were the Consolidation Acts, the Statute Law Revision Act, the Bankruptcy Act, and the two Acts on the subject of domicil. The Consolidation Acts and the Statute Law Revision Act having for their common object the simplification of the written law, had for many years been anxiously expected. It had been long ago urged by this society that an expurgation of the statutes was the condition precedent to any satisfactory consolidation. Having adopted this method the commissioners have swept away a mass of enactments which lay forgotten in the nooks and corners of the statute law. The Council had pleasure in stating that the work of consolidation, although not yet finished, was hitherto well done; the House of Commons having adopted the wise policy of reposing confidence in the skill and judgment of the commissioners. There appeared to be no reason why several consolidation Acts should not be passed each session. A General Punishment Act and a General Procedure Act would be a most welcome supplement to those already passed. The consolidation of mercantile law and real property law also deserves the early attention of Parliament. The Bankruptcy Bill, having been so thoroughly canvassed in this society, a cursory reference to that Act would then be sufficient. A large and influential party felt disappointed when the Bill was returned from the Lords short of those provisions which, as they thought, were of cardinal importance, and formed the first condition of its efficiency. Public opinion being so evenly balanced, a compromise was effected, as being a better alternative than the total failure of legislation. The address further stated that until last session there was not a single enactment on the subject of domicil within the wide domain of the statute book. In 1858 three measures, more comprehensive than those which passed last session, were introduced into Parliament, but did not arrive at maturity. By the provisions of the Bill introduced by Lord Kingdown, the English law of domicil, as regards wills of persons by British subjects, would be placed on a comprehensive basis. The other act has a wider application. Certain forms and observances are enunciated in the clauses of that Act which, if duly observed, will be accepted as incontrovertible proofs of having acquired a domicil. The Act applies not only to the wills and domicils of British subjects dying whilst resident abroad, but to the wills and domicils of foreign subjects dying whilst resident in her Majesty's dominions.

The Council felt disappointed at the miscarriage of the Trade Marks Bill, and hoped that the subject will not be allowed to rest until settled by the Legislature. With regard to the transfer of land, the address went on to say, that the necessity for facilitating the sale and mortgage of real estate remained as urgent as ever. And it seems impossible that the report of the Registration of Title Commissioners, which had taken so deep a root in the minds of our most intelligent men of business, whether lawyers or not, could remain very long unproductive. The present Lord Chancellor is known to be favourable to the principle of the registration of title, as that alone on which the transfer of land can be efficiently improved. It had appeared to this society that no relief could be

insured so long as a purchaser had thrown upon him the investigation of the title. The transfer of land will continue to receive that attention from the Law Amendment Society which it has already received until the object of the society is carried out by the Legislature. The law of patents has been lately discussed with great ability in the columns of the public press, and judging from the interest elicited by that discussion, the Council considered that the subject was fast ripening for legislation. The Patent Office was flooded with business, and the tide appeared to flow stronger and stronger every year. In 1858 there were 3,000 applications for provisional protection, of which 2,000 obtained the great seal. During 285 years previous to 1852, patents taken out amounted only to 14,359, that is, about one patent per week. Between 1852 and 1858 they averaged 60 per week. In 1860 there were 3,196 applications for provisional protection of inventions. The number of patents actually passed was 2,061. In the remaining 1,135 the applicants did not proceed with their applications within six months. The first 4,000 under the new system were granted in 1852-4, all for fourteen years, but liable to become void, unless a stamp duty of £50 were paid at the end of three years, and another of £150 at the end of seven years; and of the 4,000 only 1,186 paid the £50 duty at the end of the third year, and only 390 the £100 duty at the end of the seventh year, so that nearly 90 per cent. were allowed to become void by the end of the seventh year. Still the stamp duty last year amounted to £10,800. Fees to the Attorney and Solicitor-General and clerks were £9,621. The fees have annually produced a surplus which has now accumulated to £92,000. Ten years ago a committee appointed by this society brought up a valuable report on the subject of patents, but since that time, great advances having been made, and new plans having developed, the Council recommended that the subject be forthwith re-considered by a committee of this society. The address concluded with a strong recommendation that no effort should be spared by this society to urge upon the Legislature the subject of a minister of justice, or a department for the administration of the affairs of justice. There is work to be done, and men with energy and genius more than sufficient to accomplish it, but our legislative efforts are often abortive, through the awkward and clumsy mechanism of our present system. Chiefly, if not altogether owing to this, a vast amount of power is wasted in unavailing efforts; schemes of great value are doomed to oblivion; and good measures become entangled in the web of effete laws. During the first years after the passing of an Act of Parliament, courts of justice are occupied in the costly work of solving its ambiguities, and giving some intelligible construction to its conflicting clauses. The sovereign remedy for this mischief is the appointment of some functionary to prepare measures before their introduction into Parliament, and to give general assistance in the framing of laws. Besides the legislative assistance which might thus be rendered, a great amount of administrative work might also be performed. That the business of administration cannot be efficiently done by a numerous assembly has been recognised in this country in the appointment of ministers of state. The finances of the nation are in the hands of the Treasury, the interests of trade are protected by a special board, the affairs of the poor, of education, and of war, &c., are directed by ministers who preside respectively over those departments; and sound reason would seem to indicate that the affairs of justice should not form an exception to so useful an arrangement. At present, cognate duties instead of being grouped together, are capriciously assigned to different state officers; one section of the magistracy is under the superintendence of the Lord Chancellor, another under that of the Home Secretary; the latter, whose qualifications for office consist in a minute and accurate knowledge of the social habits and condition of the people, and practical skill in the management of their affairs, is often hampered with duties altogether of a judicial character. The report to which allusion had been made, recommended the appointment of a minister of justice, while others with much ability had argued in favour of a department for the administration of the affairs of justice. The subject had been advocated in a long and eloquent address by Mr. Napier, the late Lord Chancellor of Ireland, at the recent congress of the Social Science Association. The present Lord Chancellor, and eminent statesman in both Houses of Parliament, had declared themselves in favour of the proposed change. Under such favourable auspices, the Council hope that some well matured scheme will soon be laid before Parliament, and receive the sanction of the legislature.

The CHAIRMAN rose and said he believed it was customary

for the person occupying the position which he had the honour to fill at that meeting to address a few words to the society after the reading of the report. They would observe that the report referred, not only to what had been effected in the way of law reform, but also to those matters to which law reformers should still direct their attention. Indeed it was to the latter point the observations of the Council were mainly directed—

"Nil actuū reputas dum quid supereset agendum."

However, if they looked back during a short period, they would find that very valuable results had been obtained within the time of the society's operations. He might refer to the establishment of the county courts, which he had always considered to be one of the greatest practical law reforms of the present day; because, if there was any duty of a Government more paramount than another, it was that of bringing justice home to the doors of all. That could not be said to have been done in this country till the county courts were in operation. Then there were the numerous bills consequent on the labours of the common law commissioners, by which proceedings at common law had been much simplified. Again, there were the Acts for the reform of the Court of Chancery. As a result of these, it was now no uncommon occurrence to find a chancery suit, involving no small amount of property, begun and finished within the same year, and that at an expense which was very small as compared with the cost of a chancery suit in former times. Reforms had been effected in testamentary and matrimonial jurisdiction and in the laws relating to private estates, so that it was impossible not to feel that there was at present a different state of law in this country from that which existed thirty years ago. He was, however, very far from saying that much more did not remain to be done. On the contrary, he thought that every one must be struck with the fact that almost the whole of the reforms to which he had referred were in the department of procedure and did not touch the substance of the law. That might be said of almost the whole of them. There could be no doubt that a good, cheap, and easily accessible procedure was of the utmost importance, and that the best law would be nothing without it; but, on the other hand, it was equally true that, if the law itself was bad, the best form of procedure would fail to make it satisfactory. He thought that the time was come when, perhaps, a greater amount of attention might, with advantage, be devoted to the substantive defects in the law itself than had hitherto been given to that important branch of law reform. With reference to the transfer of land there seemed to be but little difference on this point—that it was highly desirable that there should be a simplification of the existing system; but he was afraid that there was a disposition on the part of some persons to shut their eyes to the inherent difficulties in the way of establishing a perfectly satisfactory one. He believed that among lawyers there was a desire to do away with the risk, uncertainty, and hazard of conveyancing; but they did not wish the value of property to be diminished, or that anything should be done which should make property of less use to owners. Anything which tied up the ownership of property and the dominion over it would not be acceptable to owners, and he doubted much whether it would conduce to the prosperity of the country generally; but any measure which, while preserving the present advantages of owners in respect of alienation and settlement, would simplify the title, would be hailed as a great improvement. Whether the Government under which he had the honour to serve would produce a Bill next session to effect those objects he knew not, but he assured the society that he should be very happy to aid in promoting such a measure. On the subject of patents, assuming that they were not to be abolished altogether, he would observe that considerable improvement might be effected on the present system. If there were nothing in the nature of a new discovery or invention, either of a new principle or process, or no result differing in kind or nature from any that was known before, he thought the matter ought not to be the subject of a patent. The suggestion of whatever was a necessary consequence of the knowledge which mankind in common already possessed ought not, he thought, to be considered a new discovery or invention. He would not mention any particular cases of such suggestions that had come before him in his official capacity; but let them suppose the case of a man applying for a patent for making a table out of some sort of wood that had not been used for the manufacture of tables before. As it was evident from the knowledge common to mankind that tables could be made out of wood, why should that man have a patent? Or, if a man applied for a patent for zinc and mahogany, instead of iron and mahogany, together, ought to have a patent? Such things were frivolous; they were

merely encroachments on what was a public right and the property of mankind; and he thought that they might with advantage be excluded from that class of inventions or discoveries for which patents should be granted. There was another measure which might be adopted. The law officer or other person whose duty it was to see patents pass their earlier stage might be entrusted with the power of rejecting whatever he considered frivolous, the person applying for the patent having the right of appeal to the Patent Commissioners or some other tribunal. As regarded the suggestion which he understood to have been made at the Social Science Conference—that, at the outset, there should be an investigation in the novelty or usefulness of the alleged invention—he did not think that would be practicable, for the person before whom the application was to come should not be expected to carry in his mind all the inventions that had hitherto been put forward; but, undoubtedly, they might give the first authority more power than he at present possessed, by enabling him to discriminate between manifestly useful inventions and those which, *prima facie* and obviously, appeared to be frivolous and bad. The subject of a Department of Justice was a highly important one, and he should be happy to make himself acquainted with the propositions on that point which had been put forward by members of the society.

A discussion then took place on the various topics referred to in the report, and by the Chairman in his observations; after which the motion for receiving and printing the report was agreed to.

A vote of thanks to the Solicitor-General terminated the proceedings.

Law Students' Journal.

EXAMINATION AT THE INCORPORATED LAW SOCIETY.

MICHAELMAS TERM, 1861.

The examination of articled clerks was held at the Hall of the Incorporated Law Society, Chancery-lane, London, on the 13th and 14th inst. The number of candidates who attended was 104.

The examiners were—Master Templer, of the Court of Exchequer, Mr. Lake, Mr. Bolton, Mr. Stephens, and Mr. Lawrence.

MASTER TEMPLER presided, and addressed the candidates as follows:—

"Gentlemen.—It is a subject of congratulation that you have arrived thus far in the journey of your profession; periods of probation are always trying, and I trust that you may all have so far mastered what is necessary to pass this examination, that the period of probation may now be regarded as past and gone. I for one, and I am glad of the opportunity to express it, abhor all cramming, and I hold very cheaply the system of competitive examination, which is now-a-days begun almost in the nursery, and thought so highly of in some quarters as a test. It is not to be expected, without inverting the natural order of things, that a youth of twenty or twenty-one should have exhausted those stores of learning which Coke speaks of as requiring not less than the *'lucrations virginis annorum'*, and those twenty years would begin at that period of life on which most of you are now but entering. In this view, the papers before you have been prepared, and our aim, as examiners, has been to set such questions as will prove you to possess the elements of a liberal education, and that you have so far acquired the principles of common law, equity, conveyancing, criminal law, and bankruptcy, that you are entitled to enter upon the practice of your profession, leaving its complete mastery to that experience which time alone can supply. And, gentlemen, there are other qualifications which no examinations can reach, but which constitute the highest requisites of the honourable profession to which you aspire. I mean those qualities of heart and feeling that constitute the gentleman; and you will find that your profession will demand from you their highest exercise. The dearest interests of your clients, their fortunes, their honour, nay, even their life, may be in your hands, and you must show yourselves worthy of the confidence that is thus reposed in you by the constant exercise of the strictest good faith, which should fit you as a habit, in all that relates to your clients' interests. I need not remind you of men who, beginning as attorneys, have attained to high positions in the state. The portrait of Lord Chancellor Truro hangs before you on these walls. I had the privilege of knowing him personally. His example may well stimulate your ambition, and animate your exertion, for never man won high

place with more unremitting labour than he did; not, however, at the expense of his childhood or his youth; not by the sacrifice of everything else for mere mental culture; but by the full-grown energies, by the vigour and the power of the man, for he was between thirty and forty years of age before he was called to the bar. Gentlemen, I will not detain you further, and remember, study the questions well before you begin to write on them, and then let your answers be pointed and concise, rather than diffuse and wordy. You will now proceed with your papers, and I trust with such success that while to some we may award honours, there may be no failure to any."

QUESTIONS FOR THE EXAMINATION.

I. PRELIMINARY.

1. Where, and with whom, did you serve your clerkship?
2. State the particular branch or branches of the law to which you have principally applied yourself during your clerkship.
3. Mention some of the principal law books which you have read and studied.
4. Have you attended any, and what, law lectures.

II. COMMON AND STATUTE LAW AND PRACTICE OF THE COURTS.

5. State the names of the superior courts of law at Westminster and shortly define their several jurisdictions.

6. State the different steps that are taken by a plaintiff in a common law action, in an ordinary case, from writ of summons to judgment inclusive.

7. Within what time after the service of the writ, must the appearance by the defendant ordinarily be entered, and what is the difference if the defendant be sued upon a bill of exchange or promissory note under the Bills of Exchange Act?

8. What is a bill of exchange, and state the relations of drawer, and indorsee, acceptor and holder, as amongst each other.

9. In a written contract, not under seal, is it necessary that his consideration be stated on the face of the contract. Are there exceptions, and if so, what are they.

10. What is a guarantee? Explain its effect, and what is necessary in point of form to make it valid?

11. Explain the distinction between local and transitory actions, and what is the meaning of the technical word "venue."

12. What is the proper remedy at common law to recover lands?

13. What constitutes the issue in an action of ejectment?

14. If a debtor reside out of the jurisdiction, state the steps that must be taken to get judgment against him.

15. What is meant by the term privity of contract, and in what cases may the assignee of the lessor sue the assignee of the lessee?

16. What is the limitation of time within which an action must be brought to recover a debt on simple contract, and what on a speciality, or a contract under seal?

17. In the case of an assignment of a mortgage, can the assignee of the mortgagor, in his own name, sue the mortgagor at common law?

18. What is the meaning of the maxim "actio personalis moritur cum persona," has the effect of this maxim been recently altered by statute, and if so, by what statute?

19. What are the usual quarter days of the year? How is a tenancy from year to year determined on either side.

III. CONVEYANCING.

20. Within what period must an estate vest when limited by way of future use or executory devise?

21. What are the chief alterations in the law of descent effected by the 3rd and 4th William IV., Cap. 106?

22. An estate is limited to A for life, with the remainder to first and other sons of B in tail, with remainder to C in fee. A dies leaving B and C surviving, but B being unmarried to whom does the estate devolve?

23. Land is devised to such uses as A, who is a married woman, should appoint, and in default to her in fee. Can a good title be made without the concurrence of the husband, and what further is necessary to complete the conveyance?

24. A man has one son B and two daughters. B purchases an estate in fee and dies intestate and without issue, leaving his two sisters and his father him surviving. What becomes of his estate?

25. What is meant by voluntary settlement, and when can it be supported against purchasers for valuable consideration or creditors?

26. A purchaser of an estate in fee simple dies intestate,

leaving two daughters. One daughter then dies leaving a son. To what portion of the estate is this son entitled?

27. When a condition is annexed to a grant of an estate in fee simple, what is the result of the breach of the condition—1st when it is precedent, 2nd when it is subsequent?

28. Distinguish between dower and jointure, and say to what extent has a widow's right to dower been affected by the 3rd and 4th William IV., Cap. 105.

29. A purchaser buys an estate free from incumbrances, and it turns out on his investigating the title that there is a rent charge due to a jointress upon it. How is the defect to be remedied so as to make a title to an unwilling purchaser?

30. A testator gives an annuity, and directs a sufficient principal sum to be appropriated by his executors wherewith to purchase the annuity, but the intended annuitant demands the principal of the executors, claiming an option to do so. Can this demand be resisted? and if not, what precaution should be taken in the will to prevent the possibility of this occurring?

31. An annuity of £60 a year was bequeathed by a testator to his son F out of a certain stock, and the annuity was directed not to be sold until after F and his wife's death, nor until F's son should attain 21,—was the annuity so given limited to F's life or did he take a perpetual annuity by the bequest? Give the reason for your answer.

32. What alterations have been made in the law in the last session of Parliament affecting the execution of wills by English subjects in foreign countries.

33. In conditions of sale of estates, it is often provided that if from any cause whatsoever the completion should be delayed after the day named, the purchaser is to pay interest from that time, until the day of completing the sale. Can this condition be enforced without qualification? and why not?

34. A and B are joint tenants in fee. A devises all his real estate and dies before B, is the joint estate severed by the devise?

IV. EQUITY AND PRACTICE OF THE COURTS.

35. In what description of cases will the Court of Chancery interfere by injunction, and how is an injunction obtained?

36. What steps is it necessary to take in order to place a person of unsound mind under the protection of the Lord Chancellor, and to obtain the appointment of a committee of his person and estate?

37. Has the committee of a lunatic power to sell the real estate of the lunatic in any and what cases?

38. One of a firm of solicitors is appointed with others trustees under an instrument which contains no power enabling him to charge for his services as solicitor. Will a court of equity allow to him or his firm in any and what cases to make any and what professional charges? Refer to any recent decisions on this subject.

39. Specify the nature and object of the writ of distresses. By whom can it be obtained, and how?

40. What is meant by a wife's equity to a settlement? In what cases does it arise, and to what extent is it enforced by court of equity against the husband or those claiming under him?

41. Specify the various modes of commencing proceedings in equity and state to what description of cases each mode is specially applicable.

42. Can a person under 21 at any and what age execute a binding settlement of real estate in contemplation of marriage? If so, state how this can be done.

43. Under what circumstances will a court of equity refuse to decree specific performance of a contract for sale of real estate?

44. Specify shortly the successive steps in a suit in equity commenced by bill from the filing of the bill to the decree.

45. Specify how a party to a suit can enforce obedience to an order of a court of equity for payment of money.

46. What time is allowed to a defendant to put in his answer to a bill in equity, and within what time is the answer to be considered sufficient.

47. In what cases will a plaintiff be ordered to give security for costs, and at what stage of the proceedings?

48. State shortly the peculiar distinction between the jurisdiction of courts of equity and that of courts of law.

49. In what cases will a court of equity enforce a dissolution of partnership?

V. BANKRUPTCY AND PRACTICE OF THE COURTS.

50. What are the statutes now in operation respecting bankrupts?

51. State what persons are subject to the Bankruptcy Act 1861.

52. Name some of the principal Acts of Bankruptcy which may be committed by a Trader.

53. Also those only applicable to Non-Traders.

54. State some of the Acts of bankruptcy which are equally applicable to all debtors, whether traders or not.

55. How may a debtor, whether trader or not, obtain adjudication of bankruptcy against himself?

56. What are the requisites to support an adjudication of bankruptcy at the instance of a creditor?

57. Can a peer, or member of the Commons House of Parliament be made bankrupt, and if so, how is adjudication obtained?

58. In what cases have the county courts jurisdiction in matters of bankruptcy?

59. Give some account of the conditions upon which trust deeds for benefit of creditors, composition and inspectorship deeds executed by a debtor, are valid under the Bankruptcy Act, 1861.

60. What is the extent of the landlord's remedy against the estate of the bankrupt for rent, or proportionate part of rent, under the Bankrupt Law Consolidation Act, 1849, and the Bankruptcy Act, 1861.

61. When is a settlement made by a bankrupt before bankruptcy void as against his creditors, and what jurisdiction has the Court of Bankruptcy in respect thereof?

62. Give some account of the law of order and disposition under the Bankrupt Law Consolidation Act, 1849.

63. State some of the rules to be observed by the Court in granting or withholding orders of discharge under the Bankruptcy Act, 1861.

64. State the effect of the order of discharge when obtained.

VI. CRIMINAL LAW AND PROCEEDINGS BEFORE MAGISTRATES.

65. Name the principal court of criminal jurisdiction in England.

66. Can criminal cases be removed into this Court from an inferior court, and by what proceeding?

67. Explain the distinction between an indictment and a criminal information.

68. How is a criminal information applied for, and where is it filed?

69. Under what authority do the judges try criminals at the assizes?

70. How is the Court of General Quarter Sessions constituted, and by virtue of what authority do those who preside act?

71. State how a person charged with felony or other crime is prosecuted to trial and conviction at the Assizes or General Quarter Sessions.

72. Can an accessory, before the fact, be tried and convicted if the principal had been acquitted or has not been brought to trial?

73. If indicted as a principal can he be convicted being only an accessory?

74. Can an accessory, after the fact, be so proceeded against and convicted?

75. What acts are requisite to constitute the crime of Burglary?

76. Can a person be convicted of perjury on the evidence of one witness? State the reason.

77. What constitutes a public nuisance, as distinguished from a private grievance, and how is punishment and redress obtained?

78. What is the offence of maintenance?

79. State one or two cases where the Act is justifiable.

LAW LECTURES AT THE INCORPORATED LAW SOCIETY, 1861-62.

Mr. WILLIAM MURRAY, on Common Law and Mercantile Law, Monday, November 18.

Mr. THOMAS HENRY HADDAN, on Equity, Friday, November 22.

ADMISSION OF SOLICITORS.

Michaelmas Term, 1861.

The Master of the Rolls has appointed Monday, the 25th day of November, 1861, at the Rolls Court, Chancery-lane, at four in the afternoon, for swearing solicitors.

Every person desirous of being sworn on the above day must leave his common law admission or his certificate of practice for the current year at the Secretary's Office, Roll-yard, Chancery-lane, on or before Saturday, the 23rd of November, 1861.

The papers of those gentlemen who cannot be admitted at common law till the last day of term will be received at the Secretary's Office up to 12 o'clock on that day, after which time no papers can be received.

ADMISSION OF ATTORNEYS.

The following days have been appointed for the admission of attorneys in the Court of Queen's Bench:—

Saturday, 23rd November. | Monday, 25th November.

Central Criminal Court.

The following days have been appointed for holding the Sittings for the ensuing years:—

1861.	1862.
Monday..... Nov. 25	Monday..... Dec. 16
Monday..... Jan. 6	Monday..... June 16
"..... Jan. 27	"..... July 7
"..... March 3	"..... Aug. 18
"..... April 7	"..... Sept. 22
"..... May 19	"..... Oct. 31

Births, Marriages, and Deaths.

BIRTHS.

BAKER—On Nov. 11, at 2, Bloomsbury-place, the wife of Charles John Baker, Esq., Barrister-at-Law, of a son.

HAYLAR—On Nov. 14, at 5, Eamont-terrace, Bridge-st, St. John's-wort, the wife of Thomas Child Haylar, Esq., Barrister-at-Law, of a son.

KEENE—On Nov. 10, the wife of Thomas Keene, Esq., of 77, Lower Thames-street, Solicitor, of a daughter.

RAYNER—On Nov. 9, at Inga-grove, Mirfield, near Normanton, the wife of Robert L. Rayner, Esq., of a son, still born.

WEBSTER—On Nov. 11, the wife of John Frederick Webster, Esq., Solicitor, 7, Serjeant's-inn, Fleet-street, of a son.

MARRIAGES.

CHURCH—EALES—On Nov. 9, Adolphus Edgar Church, Esq., of Colchester, Solicitor, to Mary Elizabeth, daughter of the late E. D. O. Eales, Esq., of Calcutta.

ERSKINE—CATES—On Sept. 26, at Malligam, Bombay Presidency, George Elphinstone Erskine, Esq., Lieutenant 1st Bombay Lancers, son of the late Captain George Keith Erskine, of the same Regiment, to Blanche, daughter of George Cates, Esq., of Lincoln's-Inn-fields.

DEATHS.

AYTOUN—On Nov. 9, at Edinburgh, Mrs. Ivan Keir, relict of Roger Aytoun, Esq., Director of Chancery, Scotland.

SMITH—On Nov. 7, in his 73rd year, George Smith, Esq., Solicitor, Pen-dleton, near Manchester.

London Gazettes.

Professional Partnerships Dissolved.

TUESDAY, Nov. 12, 1861.

HOLLAND, THOMAS, FRED., MARK GREGORY, & J. H. WHATLEY, Malvern and Upton-upon-Severn, Worcestershire, Attorneys and Solicitors. Nov. 2. By mutual consent.

Windings-up of Joint Stock Companies.

FRIDAY, Nov. 8, 1861.

UNLIMITED IN CHANCERY.

DISTRICT SAVINGS BANK LIMITED.—Petition for winding up, presented Nov. 5, will be heard before V. C. Wood on Nov. 16. Sol. C. H. Edmunds, 1 New-inn, Strand.

ENGLISH AND IRISH CHURCH AND UNIVERSITY ASSURANCE SOCIETY.—Order to wind up, Nov. 4. V. C. Wood.

NATIONAL ASSURANCE AND INVESTMENT ASSOCIATION.—Petition for winding up, presented Nov. 5, will be heard before the Master of the Rolls on Nov. 16. Sol. Miller, Horn, & Murray, 7 St. Martin's-pi, Trafalgar-st.

Another petition, presented Nov. 6, will be heard before the Master of the Rolls on Nov. 16. Sol. Amory, Travers, & Smith, 25 Throgmorton-st, London. V. C. Wood will, on Nov. 18, at 10.15, appoint an official manager or official managers of the society. R. P. Harding, 3 Bank-buildings, London, and 5 Serie-st, Lincoln's-Inn, Middlesex, Accountant, has been appointed interim manager. Creditors to meet at V. C. Wood's chambers on Dec. 5, at 1, for appointing creditors' representative.

LIMITED IN BANKRUPTCY.

CARDIFF AND CAERPHILLY IRON COMPANY LIMITED.—Com. Fosbroke will proceed, on Nov. 25, at 11, at Basinghall-st, to make a call upon contributors for £3 and £2.

TARAKAI STEEL IRON COMPANY LIMITED.—Petition to wind up, presented Nov. 4, will be heard before Com. Evans on Nov. 25, at 11.

TUESDAY, Nov. 12, 1861.

UNLIMITED IN CHANCERY.

BRITISH PROVIDENT LIFE AND FIRE INSURANCE SOCIETY.—V. C. Kinsley will proceed, on Nov. 27 and 28 at 1, to settle the list of contributors of this society.

MEAKIN'S JOINT STOCK BREWERY COMPANY.—The Master of the Rolls will proceed, on Nov. 22, at 1, to settle the list of contributors of this company.

THREE FIRE INSURANCE COMPANY.—Petition to wind up, presented Nov. 11, will be heard before the Master of the Rolls on Nov. 22. Sol. Murray, Son, & Hutchins, 11, Bircham-lane, London.

Creditors under 22 & 23 Vict. cap. 35.*Last Day of Claim.*

FRIDAY, Nov. 8, 1861.

- BEDFORD, CHARLES, Worcester, Gent. Jan. 1. Sol. Bedford, Worcester.
BROADHURST, JOHN, Foston, Derbyshire, and Richmond, Surrey, Esq. Jan. 10. Sols. Brundrett, Randall, & Martin, 10 King's Bench-walk, Temple.
BROOKHOUSE, JOSEPH, Leicester, Esq. Feb. 1. Sols. R. & G. Toller, Wickliffe-street, Leicester.
CHAPMAN, JOSEPH, Holton, Oxfordshire, Carman. Dec. 1. Sols. T. & G. Mallam, 126, High-st., Oxford.
FARMER, WILLIAM, 21, Great College-st, Camden Town, Middlesex, Carman. Dec. 8. Sols. Howard, Halse, & Trustram, 66 Paternoster-row, London.
JOHN, EVAN, Penlau, Llanrhidian, Glamorganshire, Farmer. Jan. 1. Ann John, R. B. Christopher, Penclawdd, near Swansea, Executrix and Executor.
KNIGHT, MRS. MARY, Songhurst Cottage, Wandsworth-rd, Surrey, Widow. Dec. 25. Sols. Budd & Son, Bedf ord-row, London.
LEE, JOSEPH, Burnley, Lancashire, Linen Draper. Dec. 10. Sol. Haworth, Yorkshire-st., Burnley.
MACDONALD, HON. ARCHIBALD, Belgrave-terrace, Brighton, and formerly of Connaught-pl., Edgware-rd, Middlesex. Jan. 1. Sols. Young & Jacksons, 12, Essex-st., Strand.
NEWNHAM, THOMAS, 24, Chapel-street, Grosvenor-square, Middlesex, Esq. Jan. 15. Sol. Howard, 3 Angel-ct., Throgmorton-st.
ROWLAND, ALEXANDER, 20, Hatton-garden, Holborn, Middlesex, and Rosenthal, Lewisham, Kent, Perfumer. Jan. 10. Sol. Letts, 8 Bartlett's-bidge, London.
WALSHAW, RICHARD, Osmett, Yorkshire, Yeoman. Feb. 6. E. Fearnley, Manningham, Bradford, Yeoman, and T. Watson, Scarborough, Builder, Executors.

TUESDAY, Nov. 12, 1861.

- ANDERSON, THOMAS, Newcastle-upon-Tyne, Grocer and Tea Dealer. Feb. 1. Sols. Hodge & Harle, Wellington-pl., Pilgrim-st, Newcastle-upon-Tyne.
KNOTT, THE REV. JAMES MONKHOUSE, Prior Hardwick (Cum Membris), Warwickshire, Clerk. Jan. 1. Sol. Rivolta, 10, Montague-st, Russell-sq., London.
NOCK, WILLIAM, Wellington, Salop, Solicitor. Dec. 1. George Pritchard, Broseley, Salop, Esq., John Pritchard, same place, Esq., M.P., Henry Heane, Newport, Salop, Gent., and William Henry Pritchard Nock, King-st, Grange, Salop, Gent., Executors.
OSBORN, HENRY, Shiphэм, Norfolk, Labourer. Dec. 25. Sols. Taylor & Son, Norwich, Houchen, Thetford.
RANMELL, THOMAS, Ramsgate, Kent, Esq. July 10. Sols. Long & Daniel, Queen-st, Ramsgate.
RIDLEY, JOHN, High-st., Bristol, Bookseller. Dec. 21. Sols. Mead & Daubeny, Temple.
SERKES, THE REV. JOHN EDMUND DOMINICK, Perpetual Curate of Eastbourne, Sussex, Clerk. Dec. 16. Sol. Shephard, 9, Saxe-st, London.
SHIRLEY, JOHN, Prees, Salop, a retired Quarter-Master in Her Majesty's Royal Regiment of Horse Guards, and late Captain and Adjutant in the North Shropshire Yeomanry Cavalry. Dec. 20. S. Hares & R. Hares, Prees, Salop, Druggists and Drapers, Executors.
SKIFF, GEORGE, Harewood, Herefordshire, Farmer. Dec. 24. Sol. Skryme, Ross, Herefordshire.
STERLING, GEORGE JOHN, 50, Shaftesbury-st, New North-rd, Hoxton, Millwright. Dec. 15. Sol. Buchanan, 13, Basinghill-st., London.
TEMMAN, CHARLES, formerly of Cape Town, Cape of Good Hope, Gent. April 30. Sols. Talbot & Tasker, 47, Bedford-row, London.
TEMMAN, HERCULES, formerly of Uitenhage, Cape of Good Hope, Gent. April 30. Sols. Talbot & Tasker, 47, Bedford-row, London.
WADE, JOHN, 48, Fetter-lane, Holborn, London, Brass Founder and Gas Fitter, and late of 1, Woodland-cottages, Turnham-green, Middlesex, Gent. Dec. 31. Sols. J. & S. Langham, 10, Bartlett's-buildings, Holborn.
YATES, GEORGE, Warwick-st., Golden-sq., Westminster, Picture Dealer, and also of 3, Earl's Court, Old Brompton, Middlesex. Jan. 31. Sol. Pain, 6, Surrey-st., Strand, Middlesex.

Creditors under Estates in Chancery.*Last Day of Proof.*

FRIDAY, Nov. 8, 1861.

- BEASLEY, MARY ANN, Stafford-st, New-rd, Middlesex, Spinster. Dec. 2. Robinson & Beasley, M.R.
BELLAMY, WILLIAM EDWIN, Abergavenny, Monmouthshire, Wine Merchant. Dec. 10. Morgan v. Bellamy, V. C. Wood.
CARR, BENJAMIN, Atholl-lodge, Margate, Gentleman. Dec. 9. Carr v. Jones, V. C. Stuart.
CAVER, WILLIAM, Wirksworth, Yorkshire, Gentleman. Dec. 6. Leggett v. Potter, M.R.
FIELDER, THOMAS EDWARD, Money-hill, Rickmansworth, Hertfordshire, Esq. Dec. 14. Strachan v. Fielder, V. C. Stuart.
FOSTER, LEONARD, Holbeck, Leeds, Malster. Dec. 3. Cranswick v. Pearson, Pearson v. Cranswick, M.R.
JAMES, JOHN, Blaenidifod, Carmarthenshire, Farmer. Dec. 4. James v. James, V. C. Stuart.
KING, GEORGE, Rose, Sands-end, Fulham, Middlesex. Nov. 23. Foster v. Hardingham, V. C. Stuart.
KNIGHT, JAMES, Landport-ter, Portsea, Hants, Gent. Dec. 1. Goold v. Connis, M. R.
LAW, JOHN GLANVILLE, Reading, Berkshire, Tallow Chandler. Dec. 16. V. C. Kindersley.
LISTER, THOMAS, Addington, Yorkshire, Yeoman. Dec. 3. Lister v. Cockshot, V. C. Stuart.
MOORE, FIELDING, Glenfield, Leicestershire, Yeoman. Dec. 18. Moore v. Moore, M.R.
PACK, Colonel, ARTHUR JOHN REYNELL, Arisford-house, Sussex, and Harley-st., Middlesex. Dec. 2. M. R.
PARSONS, THOMAS, Gwersyll-hill, Denbighshire, Esq. Dec. 2. Griffiths v. Plunkett, M.R.
PIN, THOMAS (otherwise Thomas Bedford Pin), Aberdeen-ter, Grove-rd, Bethnal-gr., Middlesex, Gent. Dec. 9. Pin v. Woolland, V. C. Stuart.
WEBB, JOHN, Gutter-lane, Cheapside, London, Warehouseman. Dec. 14. Candy v. Denby, V. C. Stuart.

TUESDAY, Nov. 12, 1861.

- DUGGAN, EDWARD, Workington, Cumberland, Mercer and Draper. Dec. 5. Duggan v. Elliot, V. C. Stuart.
ELLIS, WILLIAM VEALE, Sancroft, Cornwall, Farmer. Dec. 6. Lawry v. Hockin, M.R.
FISHBURN, THOMAS, formerly of Whitby, Yorkshire, but late of Cheltenham, Gloucestershire, Esq. Dec. 6. Jessop v. Fishburn, V. C. Wood.
HAWKING, JOHN, Newton-upon-Ouse, Yorkshire, Gent. Dec. 5. Hawking v. Burton, M.R.
HOWARD, THOMAS, Dudley, Worcestershire, Gent. Dec. 4. Howard v. Howard, M.R.
PATTERSON, JOSEPH, Timble Great, West Riding, Yorkshire, Yeoman. Dec. 14. Mitchell v. Smith, V. C. Stuart.
SAVLES, ROBERT, Blackwood-house, North Duffield, Yorkshire. Dec. 7. Wiles v. Hindle, V. C. Stuart.
WILSON, JAMES, Tothill-st., Westminster, Middlesex, Oilman. Dec. 3. Blundell v. Wilson, V. C. Wood.

Assignments for Benefit of Creditors.

FRIDAY, Nov. 8, 1861.

- MANSFIELD, GEORGE, Thoresby, Nottinghamshire, Gamekeeper. Oct. 11. Sol. Cursham, Mansfield.
PAYNE, WILLIAM, Wellington, Somersetshire, Auctioneer. Oct. 28. Sol. Burridge, Wellington.
PHILLIPS, JOSEPH, Bristol, Timber and Hoop Merchant. Oct. 12. Sols. Abbott, Lucas, and Leonard, Bristol.

TUESDAY, Nov. 12, 1861.

- HAMILTON, CHARLOTTE, Tavistock, Devonshire, Widow. Nov. 19. Sol. Willesford, Tavistock.
WALTERS, HENRY COGHILL, Bristol, Hester. Nov. 1. Sols. Vassall & Part, Bristol.

Deeds registered pursuant to Bankruptcy Act, 1861.

FRIDAY, Nov. 8, 1861.

- BEDWELL, JAMES, Brandeslton, Suffolk, Builder. Oct. 17. Assignment. Reg. Nov. 7.
BENNETT, JAMES, Norwich, Tailor and Clothier. Oct. 24. Assignment. Reg. Nov. 8.
BLANKS, ROBERT, Maldon, Essex, Gunsmith and Naturalist. Oct. 12. Assignment. Reg. Nov. 5.
COOPER, JOHN, Angel-st, Rochdale-rd, Manchester, Provision Dealer. Oct. 26. Agreement. Reg. Nov. 7.
CROSS, THOMAS JOHN, St. Domingo Cottage, Stainsby-rd, Poplar, Middlesex, & HENRY FOREMAN CROSS, 16, Clarecon-pl., Middleton-rd, Dalton, Middlesex, Grocers and Ship Chandlers. Oct. 12. Composition. Reg. Nov. 6.
DODSON, EDWIN, St. Mary's-ter, Walworth, Surrey, Tailor. Oct. 31. Composition. Reg. Nov. 4.
GRANGER, SAMUEL, 92, Murray-st, Hoxton, Middlesex, Baker. Nov. 2. Assignment. Reg. Nov. 6.
HABRISS, GEORGE EDWARD, Alton, Hants, Tailor. Oct. 14. Composition. Reg. Nov. 8.
HENBRETT, WILLIAM, Rye, Sussex, Grocer. Oct. 28. Assign. Reg. Nov. 6.
HINDE, JOHN GEORGE, Worcester-st and Broad-st, Birmingham, Brush Manufacturer and General Dealer. Oct. 24. Composition. Reg. Nov. 6.
HUNT, JOHN, 69 and 70 Bish. pagate-st Without, London, Draper and Out-fitter. Oct. 18. Composition. Reg. Nov. 5.
JAMES, JOHN, Narberth, Pembrokeshire, House Builder and Cabinet Maker. Oct. 31. Assignment. Reg. Nov. 6.
LUTTMAN, CHARLES, Portsea, Music Seller. Oct. 14. Assign. Reg. Nov. 4.
MCALMADIE, HUMPHREY, & JOHN HUTTON TARR, Liverpool, Drysalters. Oct. 19. Assignment. Reg. Nov. 4.
PHILLIPS, JOSEPH, Bristol, Timber and Hoop Merchant. Oct. 12. Assignment. Reg. Nov. 7.
SEARCH, MARY, 6 Falcon-sq., London, and Crystal Palace, Sydenham, Surrey, Milliner and General Dealer. Oct. 21. Assignment. Reg. Nov. 6.
SMITH, CORNELIUS, Leeds, Draper. Oct. 14. Composition. Reg. Nov. 4.
SPOKE, DANIEL, 86 Great College-st, Camden-town, Middlesex, Grocer. Oct. 30. Composition. Reg. Nov. 6.
STACEY, GEORGE, 12 Thames-st, New Windsor, Berks, Tobacconist. Oct. 28. Assignment. Reg. Nov. 2.
WHEATE, SAMUEL, jun., Camborne, Cornwall, Draper. Oct. 12. Assignment. Reg. Nov. 4.

TUESDAY, Nov. 12, 1861.

- DEAN, THOMAS, 67 Oldham-st, Manchester, Boot and Shoe Dealer. Oct. 12. Assignment. Reg. Nov. 8.
FOSTER, JOHN, 1 Ivy-st, Southwicks, Grocer and Draper. Oct. 16. Assignment. Reg. Nov. 8.
HACKFORTH, HENRY, Leamington Priors, Warwickshire, Grocer. Oct. 16. Assignment. Reg. Nov. 9.
LAST, ROBERT, Clare, Suffolk, Carpenter and Builder. Nov. 11. Composition. Reg. Nov. 11.
LEWIS, JOSEPH WILLIAM, Coventry, Ribbon Manufacturer. Oct. 25. Conveyance. Reg. Nov. 8.
McCAFFREY, JOHN, 11 Beacon-st, Liverpool, Cooper. Nov. 5. Assignment. Reg. Nov. 8.
PELL, WILLIAM, Slawston, Leicestershire, Farmer. Oct. 23. Assignment. Reg. Nov. 11.
RIGG, JAMES, jun., Featherstall, Rochdale, Grocer and Provision Dealer. Oct. 14. Assignment. Reg. Nov. 7.
SCOTT, CAROLINE MARY, 34 Bury-st, St. James's, Westminster, Tailor, trading as S. E. Scott. Oct. 29. Composition. Reg. Nov. 8.
SHERIFF, CHARLES GEORGE, Carkerne, Somersetshire, Linen Draper. Oct. 11. Composition. Reg. Nov. 8.
SNOW, EDWARD, 50, High-st, St. Giles, Middlesex, and 20 Poland-st, Oxford-st, Middlesex, Grocer and Tea Dealer. Oct. 17. Assignment. Reg. Nov. 8.
TAYLOR, THOMAS LONGMORE, Summer-lane, Birmingham, Brass Founder. Oct. 14. Appointment of inspectors and Deed of trust. Reg. Nov. 9.
THOMPSON, JAMES, Birkenhead, Cheshire, Joiner and Builder. Oct. 23. Assignment. Reg. Nov. 8.

Bankrupts.

FRIDAY, Nov. 8, 1861.

- ALLEN, JAMES, Liverpool, Detective Officer. Pet. Nov. 5. Reg. Hime : Nov. 19 at 2 ; Liverpool. Off. As. Hime. Sol. Pemberton, Cable-st, Liverpool.
ARMSTEAD, WILLIAM, 17, Wellington-st, Deptford, Kent, Butcher. Pet.

- Nov. 6. Reg. Hazlitt: Nov. 25 at 11.30; Basinghall-st. Off. As. Stansfeld. Sol. Drew, 4, New Basinghall-st, London.
- BAILEY, JOHN, Forster House, Golcar, Huddersfield, Woollen Manufacturer. Pet. Oct. 24. Reg. Jones: Nov. 21 at 10; Huddersfield. Off. As. Jones. Sol. Dransfield, Market-pl, Huddersfield.
- BAKELWELL, CHARLES, 24 Rutland-st., Pearson-st, Kingsland-rd, Hatter, Pet. Nov. 1. Reg. Abraham: Nov. 21 at 11; Basinghall-st. Off. As. Johnson. Sol. Peverley, 19, Coleman-st, City.
- BAKELWELL, HENRY, 24 Rutland-st., Pearson-st, Kingsland-rd, Hatter. Pet. Nov. 2. Reg. Abraham: Nov. 21 at 11; Basinghall-st. Off. As. Johnson. Sol. Peverley, 19, Coleman-st, City.
- BARLOW, JAMES, Hyde, Cheshire, Draper and Smallware Dealer. Pet. Nov. 1. Reg. Simon: Nov. 25 at 1; Manchester. Off. As. Fraser. Sol. Elford, Bridge-st, Manchester.
- BIRCHINALL, DANIEL, West-st, Sheffield, Dyer. Pet. Oct. 30. Nov. 19 at 11; Sheffield. Off. As. Wake & Rodgers.
- BOUTWOOD, JOSEPH SCOTT, & THOMAS BOUTWOOD, Linton, Redfordsire, Straw Hat and Bonnet Manufacturers. Pet. Nov. 6. Reg. Miller: Nov. 28 at 11; Basinghall-st. Off. As. Edwards. Sol. Croxley & Burn, 34, Lombard-street, London, and Simpson, St. Albans's, Hertford.
- BRADSHAW, MATTHEW, 129, Cross-lane, Salford, Assistant to a Grocer. Pet. Nov. 5. Reg. Hullton: Nov. 18 at 11; Salford. Off. As. Hullton. Sol. Swan, Manchester.
- BROOK, GEORGE, Kingston-upon-Hull, Corn, Flour, and Meal Dealer. Pet. Nov. 6. Nov. 20 at 12; Kingston-upon-Hull. Off. As. Carrick. Sol. Gale, Hull.
- BROOKER, HENRY, Hardwick, Gloucester, Cattle and Sheep Salesman. Pet. Nov. 6. Reg. Orme: Nov. 19, at 12.30; Bristol. Off. As. Acranan. Sol. Wilkes, Gloucester.
- BROWNE, DANIEL, CHARLES, late of Seacombe, Chester, but now of Vines-st, Liverpool, Professor and Publisher of Music. Pet. Nov. 5. Reg. Gill: Nov. 19 at 11; Birkenhead. Off. As. Gill. Sol. Harris, 5, Clayton-st, Liverpool.
- CANNINGS, JAMES, Durley, Hants, Market Gardener and Dealer in Wood. Pet. Nov. 3. Reg. Gummer: Nov. 19 at 12; County Court, Bishop's Waltham. Sol. Mackay, Southampton.
- CHADBROUGH, JOHN, Domington, Lincolnshire, Potato Dealer, Cattle Dealer, and Jobber. Pet. Nov. 4. Reg. Bonner: Nov. 15 at 12; Spalding. Off. As. Bonner. Sol. Brown & Son, Lincoln.
- CHURCHER, THOMAS, North Stoneham, Miller's Arms Wharf, Winchester, Publican. Pet. Oct. 24. Reg. Thordike: Nov. 18 at 12; County Court, Southampton. Off. As. Thordike. Sol. Mackay, Manchester-st, Southampton.
- CLARK, GEORGE, 19, Cambridge-circus, Hackney-road, Middlesex, Cabinet Maker. Pet. Nov. 7. Reg. Miller: Nov. 28 at 3; Basinghall-st. Off. As. Edwards. Sol. Holt, Quality-ct, Chancery-lane, London.
- COOK, GEORGE JOHNSON, 14, Portland-street, Kingston-upon-Hull, Ginger Beer Manufacturer and Ale and Porter Brewer. Pet. Nov. 6. Nov. 20 at 12; Kingston-upon-Hull. Off. As. Carrick. Sol. Ayre, Hull.
- COOPER, WILLIAM, Wootton-bridge, Blinstead, Isle of Wight, Builder and Undertaker. Pet. Oct. 29. Reg. Blake: Nov. 20 at 11; Newport. Off. As. Blake. Sol. Hearn & New, Ryde.
- CORRIE, WILLIAM, 102 Old Broad-st, London, Commission Agent and Accountant. Pet. Nov. 6. Reg. Abraham: Nov. 23 at 11; Basinghall-st. Off. As. Johnson.
- CRANE, JAMES, Mining Agent, London. Pet. Oct. 22 (in forma pauperis). Reg. Hazlitt: Nov. 20 at 10; Basinghall-st. Off. As. Graham.
- DAVIDSON, THOMAS SMITH GOLDFIE, 44, Westbourne-grove, Paddington, and 11, Lansdowne-rd, North Kensington, Bookseller, Stationer, and Printer. Pet. Nov. 4. Reg. Higgins: Nov. 18 at 2; Basinghall-st. Off. As. Cannon. Sol. Harrison & Lewis, 6, Old Jewry.
- DAVIES, JAMES, 18 Nelson-st, Swansea, Glamorganshire, Grocer, Salt Dealer, Fife Monger, and Market Gardener. Pet. Nov. 5. Reg. Orme: Nov. 19 at 1; Bristol. Off. As. Miller. Sol. Bevan, Girling, & Press, Bristol.
- DENNY, JOSEPH, Jun., Brook-st, South Weald, Essex, Pig Dealer. Pet. Nov. 4. Reg. Hazlitt: Nov. 26 at 10.30; Basinghall-st. Off. As. Graham. Sol. Lewis, Jun. 9 Carey-st, London.
- DENTON, FREDERICK, Birkby, Huddersfield. Pet. Oct. 24. Reg. Jones: Nov. 21 at 10; Huddersfield. Off. As. Jones. Sol. Dransfield, Market-pl, Huddersfield.
- DIMSMORE, DAVID CROSMAN, 169, Broad-st, Birmingham, Dealer and Trader in Patents. Pet. Nov. 6. Nov. 21 at 11; Birmingham. Off. As. Kinnear.
- EGAN, WILLIAM, 27 Edion-st, Sheffield, House Painter and Decorator. Pet. Nov. 2. First meeting, Dec. 5 at 12; Sheffield. Off. As. Wake & Rogers, Sheffield.
- EGGINGTON, JOHN, West Bromwich, Retail Brewer, Fruiterer. First meeting, Nov. 20 at 10; Oldbury. Off. As. Watson & Watson.
- ELGAN, GEORGE, Stone-st, Maidstone, Surgeon and Apothecary. Pet. Nov. 5. First meeting, Nov. 20 at 10; Maidstone. Off. As. Sudamore. Sol. Morgan, Maidstone.
- ELLIS, HERCULES, Northallerton, Deputy Chief Constable. Pet. Nov. 4. Reg. Jefferson: 1st meeting, Nov. 18 at 12; Northallerton. Off. As. Jefferson. Sol. Holt, Northallerton.
- FLOOR, EDWARD, TYNBROOK, Gateshead, Commercial Agent. Pet. Nov. 4. Reg. Gibson: 1st meeting, Nov. 19 at 1; Newcastle-upon-Tyne. Off. As. Baker. Sol. Harle & Co., 20 Southampton-bldgs, Chancery-lane, London, and 2 Butcherbank, Newcastle-upon-Tyne.
- FISH, ISAAC (and not ISAAC FISH as previously advertised), 20 Ulmstead-st, South Lambeth, Clerk in the Parliamentary Counsel Office. Pet. Nov. 2. FITCHETT, RICHARD THOMAS, & EDWARD SHAW, 311 Regent-st, Middlesex, Tailors (R. T. Fitchett & Co.) Pet. Oct. 29. Reg. Miller: 1st meeting, Nov. 22 at 3; Basinghall-st. Off. As. Edwards. Sol. Mardon, 99 Newgate-st, London.
- GRAHAM, MATTHEW, Cockermouth, Plasterer, Farmer, and Carter. Pet. Oct. 30. Judge, Ingham: Nov. 20 at 10; Cockermouth. Off. As. Waugh. Sol. Hayton, Cockermouth.
- GRAY, JOHN WALTER, High-st, Sunderland, Hatter and Hosiery. Pet. Nov. 6. Reg. Gibson: 1st meeting, Nov. 20 at 1; Newcastle-upon-Tyne. Off. As. Baker. Sol. Harle & Co., 20 Southampton-bldgs, Chancery-lane, London, 2 Butcherbank, Newcastle-upon-Tyne.
- GUY, WILLIAM, Frostendon, Suffolk, Woodman and Farmer. Pet. Nov. 1. Reg. Eason: 1st meeting, Nov. 18 at 11; Halesworth. Off. As. Eason. Sol. Peard, Halesworth.
- GREENGRASS, ALFRED, 7 Drake-st, Red Lion-sq, Middlesex, Wood Japaner. Pet. Nov. 5. Reg. Abraham: Nov. 20 at 10.30; Basinghall-st. Off. As. Johnson. Sol. Lewis, 2 Baymond-bldgs, Gray's-inn.
- GRUMMIT, JOHN, Swinton, Wath-upon-Dearne, Yorkshire, Market Gardener and Farmer. Pet. Nov. 1. Nov. 26 at 12; Rotherham. Off. As. Newman & Hoyle, Rotherham.
- HADFIELD, JOHN, Glossop, Derby, Leather Dealer. Pet. Nov. 4. Reg. Simon: Nov. 18 at 12; Manchester. Off. As. Fraser. Sol. Reddish, 59, Princess-st, Manchester.
- HADINGHAM, THOMAS, 19, Crescent, Jewin-st, London, Law Stationer. Pet. Nov. 5. Reg. Higgins: Nov. 23 at 12; Basinghall-st. Off. As. Cannan. Sol. Hare, 19 Crescent, Jewin-st.
- HARTHORN, JOHN, Nottingham, Lace Manufacturer. Pet. Nov. 7. Reg. Waterfield: Nov. 21 at 11; Nottingham. Off. As. Harris. Sol. Ashwell, Middle Pavement, Nottingham.
- HEARN, WILLIAM THOMAS, Royal Victoria Inn, Netley, Hants, Licensed Victualler. Pet. Oct. 24. Reg. Thordike: Nov. 18 at 11; County Court, Southampton. Off. As. Thordike. Sol. Mackay, Manchester-st, Southampton.
- HEPPEL, HENRY, 48, Rothfield-st, Illington, Haberdasher. Pet. Nov. 4. Reg. Abraham: Nov. 23 at 12.30; Basinghall-st. Off. As. Johnson. Sol. Philip, 29, Bucklersbury, London.
- HIGGINS, WILLIAM, 6 St. George's-mews, Regent's-park-rd, Middlesex, Horse Dealer. Pet. Nov. 6. Reg. Hazlitt: Nov. 25 at 12; Basinghall-st. Off. As. Graham. Sol. Orchard, 5 John-st, Bedford-row, Middlesex.
- HOLDEN, JOHN, Liverpool, Attorney-at-Law. Pet. Nov. 6. Reg. Brougham: Nov. 20 at 11; Liverpool. Off. As. Bird. Sol. Woodburn & Pemberton, Royal Bank-bldgs, Liverpool.
- HOLMES, JOHN, 37 Lamb's Conduit-st, Middlesex, China and Glass Dealer. Pet. Nov. 5. Reg. Abraham: Nov. 20 at 11.30; Basinghall-st. Off. As. Bell. Sol. Castles, Ely-place, Holborn.
- HOLLAND, CORBETT, Langley, near Slough, Bucks, Gentleman. Pet. Nov. 5. Reg. Higgins: Nov. 23 at 11; Basinghall-st. Off. As. Cannan. Sol. Kent, 10 Mitre-ct, chmrs, Temple.
- HOWARD, EDWARD, 11 Somerset-pl, Swanses, Glamorganshire, Ship Broker, Auctioneer. Pet. Nov. 7. Reg. Orme: Nov. 19 at 11; Bristol. Off. As. Miller. Sol. Henderson, Small-st, Bristol.
- IMMAN, RICHARD, Aspley-pl, Huddersfield, Manufacturer of Cordials, Dealer in Cigars, Hops, Makers of Rustic Works, and General Dealer. Pet. Oct. 24. Reg. Jones: Nov. 21 at 10; Huddersfield. Off. As. Jones. Sol. Freeman, Market-walk, Huddersfield.
- JONES, EDWARD WALFORD, 3 Eidon-pl, Upper Kennington-lane, Sarrey, Clerc. Pet. Nov. 5. Reg. Abraham: Nov. 21 at 1.30; Basinghall-st. Off. As. Bell. Sol. Neel, Pinner's-hall, Old Broad-st, London.
- KNOWLES, STEPHEN, St. Thomas, Devonshire, Brewer and Malster. Pet. Nov. 7. Reg. Carew: Nov. 21 at 1; Exeter. Off. As. Hirtzel. Sol. Fryer, St. Thomas, Exeter.
- LAMSDOWN, ISAAC, Sen., ISAAC LAMSDOWN, Jun., & WILLIAM CARTER LAMSDOWN, Wootton Bassett, Wiltshire, Builders. Pet. Oct. 25. Reg. Orme: Nov. 18 at 12; Bristol. Off. As. Miller. Sol. Bevan, Girling, & Press, Bristol.
- LAKE, CHARLES, Framfield, Sussex, Farmer and Farm Bailiff. Pet. Nov. 5. Reg. Higgins: Nov. 25 at 12.30; Basinghall-st. Off. As. Cannan. Sol. Rose & Hincks, 14 King-st, Finsbury.
- LIGHTY, JOHN, Winsor, Southampton, Farmer and Publican. Pet. Nov. 6. Reg. Winslow: Nov. 29 at 12.30; Basinghall-st. Off. As. Pennell. Sol. Paterson & Son, 7 Bouverie-st, London.
- LINES, JAMES, Hare-st, Romford, Essex, Licensed Victualler. Pet. Nov. 4. Reg. Higgins: Nov. 18 at 2.30; Basinghall-st. Off. As. Cannon. Sol. Lewis, Jun. 9, Carey-st, Lincoln's-inn.
- LOVATT, ENOCH, Penkennet, Kingswinford, Staffordshire, Auctioneer, Licensed Appraiser, &c. Pet. Nov. 5. Nov. 19 at 10; Stourbridge. Off. As. Harward.
- LOWE, WILLIAM EMERY, Lincoln, Dyer and Scourer. Pet. Nov. 4. Reg. Upplieby: Nov. 18 at 12; Lincoln. Off. As. Upplieby. Sol. Chamberlain, Lincoln.
- MARTIN, WILLIAM LANE, Norwood, Surrey, Ironmonger and Tinman. Pet. Nov. 6. Reg. Southgate: Nov. 20 at 11; Gravesend. Off. As. Southgate. Sol. Water, Gravesend.
- MCKENZIE, MARY ANN, formerly of Infirmary-road, Sheffield, Milliner, Dress Maker, and Draper. Pet. Oct. 20 (in forma pauperis). Nov. 19 at 11; Sheffield. Off. As. Wake & Rodgers.
- MECATTI, ESCOLE (and not ESCOLE MECATTI, as previously advertised), 8 Pavilion-bldgs, Brighton, Sussex, Professor and Teacher of Singing. Pet. Nov. 1.
- MILES, JACOB HENRY, 5 Theatre, Norwich, Draper. Pet. Nov. 2. Reg. Abraham: Nov. 18 at 11.30; Basinghall-st. Off. As. Bell. Sol. Wyatt, 2 Copthall-bldgs.
- MILLARD, CHARLES BRICE, Fitzallen-street, Sheffield, Grocers' Assistant. Pet. Nov. 6. Dec. 5 at 12; Sheffield. Off. As. Wake & Rodgers.
- MITCHELL, THOMAS, Scredington, Lincoln, Farmer. Pet. Nov. 4. Reg. Moore: Nov. 18 at 12; Sleaford. Off. As. Moore. Sol. Brown & Son, Lincoln.
- MORSE, DAVID, 14 Little Tower-street, London, Wholesale Tea Dealer. Pet. Oct. 30. Reg. Winslow: Nov. 29 at 12; Basinghall-st. Off. As. Pennell. Sol. Chidley, 25 Old Jewry, London.
- MUST, NOAH, Sudbury, Butcher and Posting Master. Pet. Nov. 4. Reg. Andrews: Nov. 21 at 12; Sudbury. Off. As. Andrews. Sol. Cardinal, Halstead, Essex.
- NANSCAWEN, FREDERICK, 2 George-st., Parade, Painter, Plumber, and Glazier, 16 King Edward's-place, Bessiers, both in Birmingham. Pet. Nov. 7. Nov. 31 at 11; Birmingham. Off. As. Kinnear. Sol. Green & Kimberley, Waterloost, Birmingham.
- NODEN, JAMES, Locomaster, Builder. Pet. Nov. 5. Nov. 20 at 11; Birmingham. Off. As. Whitmore. Sol. James & Knight, Birmingham.
- NOTTINGHAM, WILLIAM, 3 Little Grove-st, Lison-grove, Marylebone, Middlesex, Omnibus Conductor. Pet. Nov. 8. Reg. Miller: Nov. 30 at 10; Basinghall-st. Off. As. Edwards. Sol. Ablett, 44 Hanap-st, Sloane-st, Chelsea, Middlesex.
- OWEN, GIBSON, 2 Gloucester-bldgs, Old Kent-rd, Surrey. Pet. Nov. 6. Reg. Higgins: Nov. 25 at 1.30; Basinghall-st. Off. As. Cannon. Sol. Atkinson, 51 Bedford-st.
- PALMER, WILLIAM, 51 Everton-road, Ardwick, Manchester, late a Salesman. Pet. Nov. 5. Reg. Kay: Nov. 20 at 9.30; Manchester. Off. As. Kay. Sol. Booth, 99 Brown-st, Manchester.
- PARSONS, JOHN, 33 Hugst-street, Pinelico, Middlesex, Builder. Pet. Nov. 5. Reg. Higgins: Nov. 25 at 11.30; Basinghall-st. Off. As. Cannon. Sol. Lewis & Sons, 7 Wilmington-st.
- PEQUOI, JEAN NOEL, 18 Water-lane, London, Manager to a Commercial-

- house. Pet. Nov. 7 (in forma pauperis). Reg. Winslow: Nov. 29 at 10; Basinghall-st. Off. As. Pennell.
- POTTER, FREDERICK, Alder Root, Chafferton, Lancashire, Cotton Spinner. Pet. Nov. 1. Reg. Wilde: Nov. 22 at 11; Manchester. Off. As. Herniman. Sol. Hampson, King-st, Manchester.
- RAWLINSON, SUTTON, Caistor, Lincolnshire, Licensed Victualler, and Coal Porter and Coal Dealer. Pet. Nov. 2. Reg. Huddesley: Nov. 18 at 11.30; Caistor. Off. As. Huddesley. Sol. Brown & Son, Lincoln.
- REDDY, LAURENCE, Noble-st, London, Warehouseman. Pet. Oct. 29. Reg. Abrahall: Nov. 20 at 10; Basinghall-st. Off. As. Bell. Sol. Sole, Turner, & Turner, Aldersbury, London.
- RICHARDS, SAMUEL, Stennack, St. Ives, Cornwall, Yeoman and Cooper. Pet. Nov. 5. Reg. Paynter: Nov. 19 at 10; Penzance. Off. As. Paynter. Sol. Boyns, Penzance.
- ROCHESTER, GEORGE, 16 Calthorpe-pl, Gray's-inn-rd, Middlesex, Wholesale Draper. Pet. Nov. 5 (in forma pauperis). Reg. Winslow: Nov. 29 at 10.30; Basinghall-st. Off. As. Pennell.
- ROXBURK, JAMES, Paddock, Huddersfield, Dyer and Rag Grinder. Pet. Oct. 24. Reg. Jones: Nov. 21 at 10; Huddersfield. Off. As. Jones. Sol. Leadbeater, King-street, Huddersfield.
- ROSENHORN, HENRY, Hereford, Jeweller and Clothier. Pet. Oct. 30. Nov. 22 at 1; Birmingham. Off. As. Whitmore. Sol. Garrold, Hereford, or E. & H. Wright, Birmingham.
- SANDERSON, JOHN, 49 Garnett-st, Hightown, Cheetham, Law Stationer. Pet. Nov. 4. Reg. Hulton: Nov. 18 at 10; Salford. Off. As. Hulton. Sol. Smith, Manchester.
- SANDS, ROBERT, 3 Postern-row, Tower-hill, and 79, Minories, London, Photographic Artist, and Dealer in Pictures and Curiosities. Pet. Nov. 7 (in forma pauperis). Reg. Miller: Nov. 28 at 3.30; Basinghall-st. Off. As. Edwards. Sol. Philip, 26, Bucklersbury, London.
- SCORD, THOMAS, Bishop Wearmouth, Durham, Corn Merchant (Thomas Scord & Co.). Pet. Nov. 6. Reg. Gibson: Nov. 22 at 11; Newcastle-upon-Tyne. Off. As. Baker. Sol. Hodge & Harle, Newcastle-upon-Tyne.
- TAYLOR, WILLIAM, Ashmore Brook, near Lichfield, Farm Labourer. Pet. Nov. 4. Nov. 19 at 11; Lichfield. Off. As. Birch. Sol. Duignan, Walsall.
- TOOTILL, ELLIS, Manchester, Letter Press Printer, Engraver, Lithographer, and Stationer. Pet. Nov. 2. Reg. Simons: Nov. 26 at 12; Manchester. Off. As. Pott. Sol. Popplewell, 7, Townhall-chambers, Essex-street, Manchester.
- WADE, NICHOLAS, GRIMBLE, 40 Pall-mall, Middlesex, House Agent. Pet. Nov. 7. Reg. Hazlitt: Nov. 20 at 11.30; Basinghall-street. Off. As. Stanfield. Sol. Abrahams, 17 Gresham-street, London.
- WADELEY, WILLIAM RICHARD, Birmingham, Clicker, formerly of Kidderminster, Boot and Shoe Maker and Leather Cutter. Pet. Nov. 7. Nov. 21 at 11; Birmingham. Off. As. Whitmore. Sol. James & Knight, Birmingham.
- WADSWORTH, WILLIAM, Hemingbrough, near Howden, Yorkshire, Sheep and Cattle Jobber. Pet. Nov. 4. Reg. Porter: Nov. 18 at 11; Howden. Off. As. Porter. Sol. Mason, 1, King-street, Castlegate, York.
- WALL, STEPHEN, Chestergate, Stockport, Baker and Provision Dealer. Pet. Nov. 4. Nov. 22 at 12; Stockport. Off. As. Coppock. Sol. Howard, Stockport.
- WALLSACH, CHARLES JOHN AUGUSTUS, 25, Cannon-st, West, London, Glove Merchant. Pet. Nov. 2. Reg. Winslow: Nov. 28 at 11; Basinghall-st. Off. As. Pennell. Sol. Solomon, 54 Coleman-st, London.
- WEAR, JAMES, 3 Cross-st, Hoxton, Middlesex, Cowkeeper. Pet. Nov. 6. Reg. Higgins: Nov. 25 at 1; Basinghall-st. Off. As. Cannan. Sol. Harrison & Lewis, 6 Old Jewry.
- WELSH, MICHAEL, 9, Albert-ter, Paddington, Greengrocer. Pet. Nov. 5 (in forma pauperis). Reg. Hazlitt: Nov. 19 at 1; Basinghall-st. Off. As. Stanfield.
- WILDING, RICHARD, Sandbach-heath, near Sandbach, Chester, Farmer. Pet. Nov. 2. Reg. Latham: Nov. 18 at 10; Congleton. Off. As. Latham. Sol. Cooper, Congleton.
- WILKIN, GEORGE, Curry Mallett, Somerset, Beerhouse Keeper and Farmer. Pet. Nov. 7. Reg. Carew: Nov. 21 at 1; Exeter. Off. As. Hirzel. Sol. Blake, Langport.
- WILLIAMS, CHARLES, Crown Public-house, 80 Kent-st, Southwark, Licensed Victualler. Pet. Nov. 6. Reg. Abrahall: Nov. 22 at 11.30; Basinghall-st. Off. As. Bell.
- WILLIAMS, EMMA, Wood Cottage, Magazine-lane, New Brighton, Cheshire. Pet. Nov. 2. Reg. Gill: Nov. 16 at 11; Birkenhead. Off. As. Gill. Sol. Husband, 9 James-st, Liverpool.
- WILLIAMSON, HENRY, Totley, Derbyshire, Travelling Draper and Tea Dealer. Pet. Nov. 2. Dec. 5 at 12; Sheffield. Off. As. Wake & Rogers.
- WILLIAMS, HERBERT HOWELL, 5 Cambridge-villas, Tudor-nd, Upper Norwood, Surrey, Clerk in Holy Orders. Pet. Nov. 5. Reg. Miller: Nov. 28 at 2.30; Basinghall-street. Off. As. Edwards. Sol. Howell, 15 Bow-lane, Cheshire, London.
- WILLIAMS, SAMUEL, St. Cleer, Cornwall, Innkeeper, Carpenter and Builder. Pet. Nov. 7. Reg. Carew: Nov. 21 at 1; Exeter. Off. As. Hirzel. Sol. Caunter, Liskeard, or Pitts, Exeter.
- WINTER, HENRY, 51 Camden-st, St. Pancras, Gent. Pet. Nov. 6. Reg. Hazlitt: Nov. 26 at 12; Basinghall-st. Off. As. Graham. Sol. Duncan, 80 Basinghall-st, London.
- WOOD, GEORGE WILLIAM, Thomas-st, Huddersfield, Grocer and Provision Dealer. Pet. Oct. 24. Reg. Jones: Nov. 21 at 10; Huddersfield. Off. As. Jones. Sol. Dransfield, Market-pl, Huddersfield.
- WOODARD, ISAAC, Magpie, Brewer's-lane, Richmond, Surrey, Licensed Victualler. Pet. Nov. 5. Reg. Miller: Nov. 28 at 12; Basinghall-st. Off. As. Edwards. Sol. Marshall, 12 Hatton-garden, London.
- YEATES, WILLIAM, Newcastle-st, North Shields, Northumberland, Builder. Pet. Nov. 4. Reg. Gibson: Nov. 19 at 12; Newcastle-upon-Tyne. Off. As. Baker. Sol. Swan, Morpeth.
- TUESDAY, NOV. 12, 1861.
- ALLEN, GEORGE, 24, Brook-street, Kempton-nd, Surrey, late of 6 King-st, Portman-sq, Middlesex, Dealer in Tobacco and Snuffs, and Billiard Table Keeper. Pet. Nov. 9. Reg. Winslow: Nov. 27 at 10; London. Off. As. Pennell. Sol. Chauntler & Crouch, 8 Gray's-inn-nd, London.
- ARMSTEAD, CHARLES, Chapel-st, Bradford, Nottinghamshire, Lace Manufacturer. Pet. Nov. 8. Reg. Patchitt: Dec. 4 at 10; Nottingham. Off. As. Patchitt. Sol. Smith, Nottingham.
- BALT, JOSEPH, formerly of Grove Cottage, Haverstock-hill, and now of 99 Victoria-nd, Lower-nd, Islington, Middlesex, Commission Agent. Pet.
- Nov. 7. Reg. Hazlitt: Nov. 26 at 1.30; London. Off. As. Stanfield. Sol. Peverley, 19 Coleman-st, City.
- BARNADELL, WILLIAM, White-st, Nottingham, Baker and General Shop-keeper. Pet. Nov. 8. Reg. Patchitt: Dec. 4 at 10; Nottingham. Off. As. Patchitt. Sol. Smith, Nottingham.
- BELL, ROBERT JAMES, Peal-st, Burleigh, Staffordshire, Grocer. Pet. Nov. 7. Reg. Challinor: Nov. 19 at 10; Han. Off. As. Challinor. Sol. Sutton, Burleigh.
- BELL, SAMUEL, Blossoms-pl, Holloway, Middlesex, Tailor. Pet. Nov. 7. Reg. Abrahall: Nov. 23 at 12; London. Off. As. Bell. Sol. Harrison & Lewis, Old Jewry.
- BIANCHI, FLORINDA, Virginia-st, Nottingham, Journeyman Plaster Maker. Pet. Nov. 8. Reg. Patchitt: Dec. 4 at 10; Nottingham. Off. As. Patchitt. Sol. Brown, 22 Fletcher-gate, Nottingham.
- BOWMAN, ROBERT, Abergavenny and Pontypool, Monmouthshire, Coal, Corn, and General Merchant. Pet. Nov. 7. Reg. Orme: Nov. 25 at 11; Bristol. Off. As. Acraman. Sol. Garrold, Hereford, and Britton & Sons, Bristol.
- BRIDGES, EDWARD, 11 Spar Hawk-st, Barry, St. Edmunds, Suffolk, Coach Builder. Pet. Nov. 7. Reg. Hazlitt: Nov. 25 at 1; London. Off. As. Graham. Sol. Lewis & Lewis, 19 Elly-pl, Holborn, London.
- BUSCALL, ROBERT, Newbon-farm, Cudham, near Bromley, Kent, Farmer. Pet. Nov. 9. Reg. Hazlitt: Nov. 27 at 12.30; London. Off. As. Graham. Sol. Chilton, Burton, & Co., 25 Chancery-lane, London.
- BUTLER, FREDERICK, WITHERS, Tythe Farm, Abingdon, Berkshire, Farmer, and now of Alvescot, Oxfordshire. Pet. Nov. 8. Reg. Hazlitt: Nov. 25 at 2; London. Off. As. Graham. Sol. Linklater & Co., Walbrook, London.
- CHALON, HENRY BARNARD, 6 North-ter, Alexander-st, Brompton, Middlesex, Accountant and Auditor. Pet. Nov. 9. Reg. Miller: Nov. 30 at 11.30; London. Off. As. Edwards. Sol. King, Fenchurch-st, London.
- COE, ALFRED, Pudsey, Yorkshire, Extractor. Pet. Nov. 8. Nov. 22 at 11; Leeds. Off. As. Young. Sol. Bond & Barwick, Leeds.
- COOK, JAMES, Byfleet, Surrey, Licensed Victualler. Pet. Nov. 5. Reg. Gregory: Nov. 27 at 12; Chertsey. Off. As. Gregory. Sol. Grace-brook, Chertsey.
- COOMBS, JAMES, Cooling-at, Cliffe, near Rochester, Kent, Labourer. Pet. Nov. 7. Reg. Ackworth: Nov. 26 at 12; Rochester. Off. As. Ackworth. Sol. Morgan, Maidstone.
- CORBETT, JOHN, of Sheepwash, Leicestershire, Grocer, Druggist, Baker, &c. Pet. Oct. 25. Reg. Brock: Nov. 25 at 10; Longborough. Off. As. Brock. Sol. Giles, Longborough.
- CRICK, JOSEPH, Desborough, Northamptonshire, Miller. Pet. Nov. 8. Reg. Higgins: Nov. 25 at 3; London. Off. As. Cannan. Sol. Douglass, 45 Essex-st, Strand, and Market Harborough.
- CROSBY, WILLIAM, Gosberton, Riesgate, Lincolnshire, Brewer. Pet. Nov. 8. Reg. Waterfield: Nov. 22 at 11; Nottingham. Off. As. Harris. Sol. Hawkrige & Heathcote, Middle Pavement, Nottingham.
- DAVIES, HENRY, Glastbury, Brecknockshire, Tailor. Pet. Oct. 25. Reg. James: Nov. 25 at 10; Hay. Off. As. James. Sol. Cheese, Hay.
- DAVIS, WILLIAM, Bridgend, Glamorganshire, Iron Master. Pet. Nov. 8. Reg. Orme: Nov. 25 at 12; Bristol. Off. As. Miller. Sol. Brittan & Sons, Bristol.
- DAVIES, WILLIAM THOMAS, 9 Lower Castle-st, Bristol, Undertaker's Assistant. Pet. Nov. 7. Reg. Harley: Nov. 28 at 1; Bristol. Off. As. Harley & Gibbs. Sol. Roger, Bridge-st, Bristol.
- ELLIS, HENRY RUFUS, Falmouth, Auctioneer. Pet. Nov. 7. Reg. Bullimore: Nov. 21 at 11; Falmouth. Off. As. Bullimore. Sol. Geno, Falmouth.
- ELSTON, JOHN ARTHUR, 3 North-row, Park-lane, Middlesex, Clerk to a Land Agent. Pet. Nov. 9 (in forma pauperis). Reg. Miller: Nov. 30 at 12.30; London. Off. As. Edwards. Sol. Philip, 48 Bucklersbury.
- EVES, HARRY, 8 Plumstead-nd, Plumstead, formerly of High-st, Lower Norwood, Tailor. Pet. Nov. 9. Reg. Higgins: Nov. 26 at 1.30; London. Off. As. Cannan. Sol. Heathfield, 19 Lincoln's-inn-fields.
- FOSTER, FRANCIS, Battis-nd, Bridgwater, Somersetshire, Beer House-keeper and Agent. Pet. Oct. 25. Reg. Lovibond: Nov. 27 at 10; Bridgwater. Off. As. Lovibond.
- FOX, CHARLES JAMES, Gotham, Nottingham, Cordwainer. Pet. Nov. 8. Reg. Patchitt: Dec. 4 at 10; Nottingham. Off. As. Patchitt. Sol. Smith, Nottingham.
- GEDDES, THOMAS MILLWARD, 5 Froghall-lane, Warrington, Commission Agent. Pet. Nov. 7. Reg. Nicholson: Nov. 31 at 12; Warrington. Off. As. Nicholson.
- GOULDEN, MICHAEL, 8 Elder-st, Norton Folgate, Middlesex, Silk Manufacturer. Pet. Nov. 9. Reg. Miller: Nov. 30 at 12; London. Off. As. Edwards. Sol. Beethome, 7 New Ormond-st, Bedford-row.
- GROVE, JOHN, 5 York-nd, King's-cross, and 20 Arthur-trice, Caledonian-nd, Middlesex, Saddler, Harness and Whip Maker. Pet. Nov. 7. Reg. Higgins: Nov. 25 at 2; London. Off. As. Cannan. Sol. Smith, 15, Wilmington-square.
- HALLSWORTH, WILLIAM, Albert Nursery, Godstrey-green, Cheshire, Nurseryman, Seedman, and Landscape Gardner. Pet. Nov. 7. Reg. Brooks: Dec. 4 at 12; Hyde. Off. As. Brooks. Sol. Grundy, 31 Princess-st, Manchester.
- HANSDON, ARTHUR, 24 Coal-yard, Bloomsbury, Middlesex, General Dealer. Pet. Nov. 6 (in forma pauperis). Reg. Winslow: Nov. 27 at 10; London. Off. As. Pennell.
- HARDBECK, HANNAH, Armley, near Leeds, Dress Maker. Pet. Nov. 8. Nov. 25 at 11; Leeds. Off. As. Hope. Sol. Harle, Leeds.
- HARMAN, GEORGE, formerly renting premises in Moor-st, Birmingham, Retailer of Ale, &c. Pet. Nov. 22 at 10; Birmingham. Off. As. Guest.
- HARRIS, FRANCIS, 23 Upper Bryanston-st, Bryanston-square, Middlesex, Saddler. Pet. Nov. 11. Reg. Miller: Nov. 30 at 1; London. Off. As. Edwards. Sol. Marshall, 12 Hatton-garden, London.
- HARTLEY, WILLIAM, 53 Wilmott-st, Huine, Labourer. Pet. Nov. 7. Reg. Hulton: Nov. 23 at 10; Salford. Off. As. Hulton. Sol. Gardner, Manchester.
- HASKINS, JOSEPH, 53 Kingsdown-parade, Bristol, Lodging House-keeper. Pet. Nov. 7. Reg. Harley: Nov. 28 at 12; Bristol. Off. As. Harley & Gibbs. Sol. Thick, Chippen-Sudbury.
- HOPKINS, GEORGE, late of Huntingdon-pl, Huntingdon-st, Middlesex, Water-proof Composition Manufacturer. Pet. Nov. 7. Reg. Higgins: Nov. 25 at 2.30; London. Off. As. Cannan. Sol. Howard, Halse, & Trustram, 66 Paternoster-row.
- HOWARD, WILLIAM GEORGE, 8 Wellington-nd, St. John's Wood, Middlesex, Gent. Pet. Nov. 7. Reg. Winslow: Nov. 29 at 1; London. Off. As. Pennell. Sol. Pawle & Lovesey, 7 New-inn, Strand, London.

- HUNTER, CHARLES, 67 Arlington-st, New North-rd, Islington. Pet. Nov. 6. Reg. Winslow : Nov. 29 at 11:30 ; London. Off. As. Pennell. Sol. Angel, 23, King-street, Guildhall, London.
- JACKSON, HENRY KATE, 31, St. John's-rd, Battersea-ridge, Surrey, Corn Merchant. Pet. Nov. 8. Reg. Miller : Nov. 30 at 11:30 ; London. Off. As. Edwards. Sol. Bassard, 25 Philpot-lane, London.
- JAGUER, WILLIAM, Hyson-green, Nottingham, Pianoforte Maker. Pet. Nov. 8. Reg. Patchitt : Dec. 4 at 10 ; Nottingham. Off. As. Patchitt. Sol. Smith, Nottingham.
- JAMESON, JOHN & GIBSON JAMESON, Leeds, Stone Bottle Manufacturers. Pet. Nov. 7. Reg. Sangster : Nov. 21 at 11 ; Leeds. Off. As. Sangster. Sol. G. A. & W. Smale, Leeds.
- JELLINE, CHARLES JOHN, Miss, Exeter, Printer. Pet. Nov. 9. Reg. Daw : Nov. 23 at 11 ; Exeter. Off. As. Dew. Sol. Floud, 14, Castle-st, Exeter.
- KIMBELL, EDWARD FORSTER, Newcastle-upon-Tyne, Grocer and Tea Dealer. Pet. Nov. 5. Reg. Gibson : Nov. 26 at 11 ; Newcastle-upon-Tyne. Off. As. Exeter. Sol. Richardson, 15 Old Jewry-chambers, London, and J. & R. Watson, Newcastle-upon-Tyne.
- LACE, CHARLES BAUCIS, Newgate, Gloucester, Writing Clerk. Pet. Nov. 6. Reg. Mason : Dec. 18 at 11 ; Newnham. Off. As. Mason.
- LEE, EDWARD, Carlton, Gedling, Nottingham, Bearhouse Keeper. Pet. Nov. 6. Reg. Patchitt : Dec. 4 at 10 ; Nottingham. Off. As. Patchitt. Sol. Smith, Nottingham.
- LEWIS, JONATHAN, 31 Jewin-st, and 44 Cross-st, London, Fancy Box Manufacturer. Pet. Nov. 9. Reg. Higgins : Nov. 26 at 12 ; London. Off. As. Caman. Sol. Lowther, 14, Fenchurch-st.
- LUMB, ANDREW, WILLIAM LUMB, Park-st, Leeds, Yorkshire, Millwrights. Pet. Oct. 29 (in forma pauperis). Reg. Sangster : Nov. 21 at 12 ; Leeds. Off. As. Sangster. Sol. Harle, Leeds.
- MARSH, LYDIA, 32 Gloucester-st, Clerkenwell, Middlesex, Dealer in Watchmakers' Tools. Pet. Nov. 9. Reg. Hazlitt : Nov. 25 at 12:30 ; London. Off. As. Stanfield. Sol. Boulon & Sons, Northampton-sq.
- MARSHALL, MATTHEW, New Worthy, Leeds, Painter and Paper Hanger. Pet. Nov. 7. Reg. Sangster : Nov. 26 at 12 ; Leeds. Off. As. Sangster. Sol. Butler & Smith, Leeds.
- MEE, WILLIAM CHARLES, Bridgemill-gate, Nottingham, Tobacconist. Pet. Nov. 8. Reg. Patchitt : Dec. 4 at 10 ; Nottingham. Off. As. Patchitt. Sol. Heathcote, Nottingham.
- MINTO, GEORGE, & ALFRED PAVITT, 9 George-yard, Lombard-st, London, Advertising Agent. Pet. Nov. 9. (in forma pauperis). Reg. Winslow : Nov. 29 at 2:30 ; London. Off. As. Pennell.
- MORGAN, BENNETT, 34 Francis-street, Tottenham-court-rd, and then and now of 6 North-crescent, Tottenham-court-rd, Middlesex, American Shipping Master. Pet. Nov. 8. Reg. Winslow : Nov. 25 at 10. Off. As. Pennell. Sol. King, 82 Fenchurch-st, London.
- NORMAN, WILLIAM, Narrow Bridge-st, Peterborough, Hatter and Dealer in Cigars and Tobacco. Pet. Nov. 11. Reg. Miller : Nov. 30 at 1:30 ; London. Off. As. Edwards. Sol. Lawrence, Plews, & Boyer, 14 Old Jewry-chambers, London, and Taylor, Peterborough.
- NOYES, EDWARD, Bridge-st-row, Chester, Carver and Glider. Pet. Nov. 7. Reg. Wason : Nov. 23 at 10 ; Chester. Off. As. Wason. Sol. Cartwright, Bridge-st-row, Chester.
- THOMAS OWEN, 11 Cammeng-st, Pentonville, Middlesex, Pianoforte Maker. Pet. Nov. 8. Reg. Hazlitt : Nov. 26 at 12:30 ; London. Off. As. Graham. Sol. Wells, 49 Moorgate-st, London.
- PEARSON, CRISTUS, Willoughby-st, Lenton, Nottingham, Lace Maker. Pet. Nov. 9. Reg. Patchitt : Dec. 4 at 10 ; Nottingham. Off. As. Patchitt. Sol. Coope, Nottingham.
- POVEY, JAMES JOSEPH GIBSON, Handsworth, Staffordshire, Licensed Victualler, Innkeeper, and Butcher. Pet. Nov. 9. Nov. 29 at 11 ; Birmingham. Off. As. Kinnear. Sol. Hooper & North, West Bromwich ; or Hodgson & Allen, Birmingham.
- PARKER, JOHN, 4 Little Britain, London, Tailor. Pet. Nov. 5. Reg. Hazlitt : Nov. 27 at 1 ; London. Off. As. Graham. Sol. Wood, 4 Coleman-st, Bishopsgate, London.
- RADCLIFFE, HENRY DELME, 17 Hope-villas, Brighton, Sussex, previously of Bognor, Captain in her Majesty's Army. Pet. Nov. 8. Reg. Winslow : Nov. 25 at 10 ; London. Off. As. Pennell. Sol. Lawrence, Plews, & Boyer, 14 Old Jewry-chambers, London.
- ROBINSON, RICHARD JESSAP, Manchester, Salesman. Pet. Nov. 9. Reg. Wilde : Nov. 23 at 11 ; Manchester. Off. As. Fraser. Sol. Chew, Manchester.
- ROOK, JOSEPH, Bognor-under-the-Blean, Kent, Slater and Builder. Pet. Nov. 7. Reg. Tassell : Nov. 26 at 11 ; Faversham. Off. As. Tassell. Sol. Fielding, Canterbury.
- ROWLOW, HORATIO, Cheshire-st, Nottingham, Joiner and Cabinet Maker. Pet. Nov. 8. Reg. Patchitt : Dec. 4 at 10 ; Nottingham. Off. As. Patchitt. Sol. Smith, Nottingham.
- SALT, ANTHONY, Tufbury, Burton-upon-Trent, Staffordshire, Butcher. Pet. Nov. 9. Nov. 25 at 11 ; Birmingham. Off. As. Kinnear. Sol. Flint, Uttoxeter, and James & Knight, Birmingham.
- SHALDRICK, HENRY, 31 Queen Margaret's-grove, Stoke Newington-green, Middlesex, Auctioneer. Pet. Nov. 8. Reg. Abraham : Nov. 22 at 11 ; London. Off. As. Johnson. Sol. Buchanan, Basinghall-st.
- SHERIDAN, RICHARD BRINSLEY, jun., formerly of Angel Hotel, Market Harborough, Leicestershire, Gent. Pet. Nov. 8. Reg. Miller : Nov. 28 at 11:30 ; London. Off. As. Edwards. Sol. Lewis & Lewis, Ely-pl, London.
- SLATER, CATHERINE, Pepper-st, Basford, Nottinghamshire, Baker, Grocer, and Provision Dealer. Pet. Nov. 9. Reg. Patchitt : Dec. 4 at 10 ; Nottingham. Off. As. Patchitt. Sol. Cooper, Nottingham.
- SMITH, SARAH ANN, Belgrave-pl, Wade-lane, Leeds, Manager to a Dress Maker. Pet. Nov. 7. Reg. Sangster : Nov. 27 at 12 ; Leeds. Off. As. Sangster. Sol. Harle, Leeds.
- SMITH, SIDNEY, Skinner-st, Nottingham, Hoiser and Outfitter. Pet. Nov. 8. Reg. Patchitt : Dec. 4 at 10 ; Nottingham. Off. As. Patchitt. Sol. Smith, Nottingham.
- SPENCER, EDWARD, Spring Head, Shelf, Halifax, York, Police Constable. Pet. Nov. 8. Reg. Rankin : Nov. 22 at 10 ; Halifax. Off. As. Dyson & Rankin. Sol. Jub, Halifax.
- SPONHIMER, FRANCIS, 7 New-st, Lion-st, New Kent-road, Journeyman Baker. Pet. Nov. 8. (in forma pauperis). London. Reg. Abraham : Nov. 22 at 12. Off. As. Johnson.
- TAYLOR, THOMAS, 1 Eugene-st, Bristol, Marine Store and General Dealer. Pet. Nov. 6. Reg. Harley : Nov. 28 at 2 ; Bristol. Off. As. Harley & Gibbs. Sol. Roper, Bridge-st, Bristol.
- TIMOTHY, WILLIAM JOHN SAMUEL, 74 Culford-rd, North Kingland, Middlesex, Furniture and General Draper Salesman. Pet. Nov. 6
- (in forma pauperis). Reg. Higgins : Nov. 26 at 11:30 ; London. Off. As. Caman.
- TOWNLEY, CHARLES WILLIAM, 28a Paul-st, Finsbury, Middlesex, Funeral Contractor. Pet. Nov. 8. Reg. Miller : Nov. 29 at 11 ; London. Off. As. Edwards. Sol. Buchanan, 1 Walbrook-bridge, and Runcie, Brighton.
- TRAYER, JOHN, 6 Westbourne-gardens, Bayswater, Middlesex, Hotel Keeper. Pet. Nov. 4. Reg. Winslow : Nov. 23 at 10 ; London. Off. As. Pennell. Sol. Buchanan, 13, Bastinghill-street, London.
- TELLS, JAMES JOHN, Lowesmore, Worcester, Baker. Pet. Nov. 8. Nov. 26 at 11 ; Birmingham. Off. As. Whitmore. Sol. East & Parry, Birmingham.
- VICKERS, THOMAS, Hanley, Lincoln, Farming Bailiff. Pet. Nov. 8. Reg. Burton : Nov. 29 at 11 ; Gainsborough. Off. As. Burton. Sol. Bladon, Gainsborough.
- WATKINS, WILLIAM, 1 Maldon-ter, Newbury-ter, Kentish Town, Saint Pancras, Middlesex, Journeyman Plumber. Pet. Nov. 11 (in forma pauperis). Reg. Miller : Nov. 20 at 8 ; London. Off. As. Edwards.
- WATSONIAN, JOHN SANT, Mansfield, Nottinghamshire, Commission Agent. Pet. Nov. 11. Reg. Patchitt : Dec. 6 at 10 ; Mansfield. Off. As. Patchitt. Sol. Curman, Mansfield.
- WEARREY, WILLIAM, Crocus-st, Nottingham, Galf Jobber and Butcher. Pet. Nov. 8. Reg. Patchitt : Dec. 4 at 10 ; Nottingham. Off. As. Patchitt. Sol. Brown, 22 Fletcher-gate, Nottingham.
- WENHAM, HENRY, Arrow, Knockholme, near Sevenoaks, Kent, Licensed Victualler, Common Carrier, and Dealer in Coal. Pet. Nov. 9. Reg. Higgins : Nov. 26 at 1 ; London. Off. As. Caman. Sol. H. R. Silverton, 18, Great Dover-st, Newington, Surrey.
- WILLIAMS, THOMAS, 92 Newhall-st, Birmingham, Surgeon. Pet. Nov. 8. Nov. 25 at 11 ; Birmingham. Off. As. Whitmore. Sol. Harrison & Wood, Birmingham.
- WILSON, WALTER, Handsworth, Stafford, Attorney's Clerk. Pet. Nov. 7. Nov. 29, at 11 ; Birmingham. Off. As. Kinnear. Sol. C. Beaton, Union-chamber, Birmingham.
- WYNNE, WILLIAM NATHANIEL, 3 Thornton-row, Greenwich, Kent, Saw Mills Proprietor. Pet. Nov. 9. Reg. Higgins : Nov. 26 at 12:30 ; London. Off. As. Caman. Sol. Cole & Jones, 15 Old Jewry-chambers.

BANKRUPTCY ANNULLED.

FRIDAY, Nov. 6, 1861.

LORD, THOMAS, Vale Mill, Todmorden, Lancashire, Cotton Spinner. Nov. 6.

Now ready, price 5s.

THE LAW & PRACTICE OF ARBITRATION AND AWARD. With Forms. By JOHN FREDERICK ARCHbold, Esq., Barrister-at-law. London: William Henry Bond, 8, Bell Yard, Temple Bar.**FORMS IN BANKRUPTCY, 1861.**—Practitioners and Officers in Bankruptcy, wanting RELIABLE FORMS, can be supplied by HODSON & SON, 22, Portugal-street, Lincoln's-inn, London, whose great experience, acquired in a Forty Year's connexion with this particular Branch of Law Stationery, and as Printers to the Insolvent Debtors' Court, has obtained for them an extended reputation for the correctness of their Forms, and for facility and punctuality of supply.**THE "LONDON GAZETTE," and LONDON COUNTRY, COLONIAL, and FOREIGN ADVERTISEMENT OFFICE.**

No. 5, CHANCERY-LANE.

HENRY GREEN (for many years with the late George Heynell) begs to remind the Legal Profession that all advertisements entrusted to his care will meet with that careful and prompt attention which an experience of upwards of eighteen years in the insertion of *pro forma* and other legal notices, &c., convinces him is so essential.

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JOSEPH K. JACKSON, Secretary.

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No. 8, WATERLOO PLACE, Pall Mall, LONDON, S.W.
The Hon. FRANCIS SCOTT, CHAIRMAN.
CHARLES BERWICK CURTIS, Esq., DEPUTY CHAIRMAN.

Fourth Division of Profits.

SPECIAL NOTICE.—Parties desirous of participating in the fourth division of profits to be declared on policies effected prior to the 31st of December, 1861, should make immediate application. There have already been three divisions of profits, and the bonuses divided have averaged nearly 2 per cent, per annum of the sums assured, or from 30 to 100 per cent. on the premiums paid, without the risk of co-partnership.

To show more clearly what these bonuses amount to, the three following cases are given as examples:

Sum Insured.	Bonuses added.	Amount payable up to Dec., 1854.
£5,000	£1,987 10	£6,987 10
1,000	379 10	1,397 10
100	39 15	139 15

Notwithstanding these large additions, the premiums are on the lowest scale compatible with security; in addition to which advantages, one-half of the premiums may, if desired, for the term of five years, remain unpaid at 5 per cent. interest, without security or deposit of the policy.

The assets of the Company at the 31st December, 1860, amounted to £730,665 7s. 10d., all of which had been invested in Government and other approved securities.

No charge for Volunteer Military Corps while serving in the United Kingdom.

Policy stamps paid by the office.

For prospectuses, &c., apply to the Resident Director, No. 8, Waterloo-place, Pall-mall.

By order, E. L. BOYD, Resident Director.

UNCONDITIONAL ASSURANCE ON LIFE.—

Under the new scheme (class B.) of the LIFE ASSOCIATION OF SCOTLAND (Founded 1838) there is no liability to forfeiture or to extra charges, nor are there any restrictions as to residence or occupation. The Policies are therefore peculiarly valuable for almost every purpose.

Prospectuses, containing full explanations, will be forwarded to any part of the country. The premiums required under this new scheme are moderate, and are as follow:—

Rates for Assurance of £100, payable at Death.

Age	Without profits.	With profits.	Age	Without Profits.	With profits.
25	£ 1 19 8	£ 2 6 4	45	£ 3 12 8	£ 4 1 8
30	2 5 8	2 12 10	50	4 7 8	4 18 8
35	2 12 6	3 0 2	55	5 6 6	5 19 10
40	3 1 2	3 8 10	60	6 10 0	7 6 2

A medical officer in attendance daily, at half-past 12 o'clock.

On 5TH DECEMBER

The Scheme will be closed for the current year. Entrants to the Profit Class will be entitled to a FULL YEAR'S BONUS more than later Entrants.

THOS. FRASER, Resident Secretary.

No. 20, King William-street, E.C.

A GENTS' REGISTER: Being a complete Alphabetical Index of the Principal Towns of the United Kingdom, with space for inserting the Names of Agents, &c., for the use of Insurance and other offices. Large Post Folio, price £2 2s.

London: YATES & ALEXANDER, Horseshoe-court, 32a, Ludgate-hill.

TO AUCTIONEERS AND OTHERS.—A Land Agent wishes to recommend a CLERK, whose services, for unavoidable reasons, he is compelled to relinquish.

Address, H. H., 29, Parliament-street, S.W.

WILLIAM EDEN, DECEASED.

TO Solicitors, Bankers, and others.—All persons having in their custody the last will and testament (if any) of the deceased, who died on the 4th November inst., or any documents, papers, or property belonging to him, are requested to communicate forthwith with Messrs. BAKER, of No. 3, Crosby-square, London. Solicitors to the next-of-kin.

Country and Town Residences, Landed Estates, Investments, Hunting Seats, Fishing and Shooting Quarters, Manors, &c.

BRooks & BEAL'S Register of the above published on the first of each month, forwarded per post, or may be had on application at their offices, 209, Piccadilly, W. Particulars for insertion should be forwarded not later than the 26th of each month.

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